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THE HISTORY OF ENGLISH MARRIAGE LAW

THE history of the English Law of Marriage since the Conquest falls naturally into three periods.

The first period extends, broadly speaking, from the legislation of William the Norman to the passing of the Statute of Appeals (1532-3).

The second period stretches from the Statute of Appeals to the passing of the Matrimonial Causes Act (otherwise, the Divorce Act) 1857.

The third period runs from the Act of 1857 to our own day.

I

During the first period (i.e. down to 1533) the English law of marriage was administered in what were called the Courts Christian by Roman canon lawyers according to the rules and principles of the Roman Canon Law. Having ordained "that one God shall be honoured throughout the whole of the Kingdom and that the Christian faith shall be kept inviolate", the Conqueror proceeded to make a clear separation between the spiritual and the temporal jurisdictions: "No bishop shall henceforth hold pleas in the hundred court nor shall they bring forward for the judgement of laymen any case which concerns spiritual jurisdiction; but whoever has been summoned for some suit or offence within the province of episcopal jurisdiction shall make answer in accordance with the Canon law."

At the side of William stood Lanfranc, the lawyer of Pavia, who brought with him from Bec a book or MS. of the Canon law.¹ Through Lanfranc and Anselm, England came into con-

¹ It was a copy of the False Decretals, incomplete and 'with a marked individuality of its own': Zachariah Brooke, *English Church and the Papacy*, p. 60. The MS. is in the library of Trinity College, Cambridge, *ibid.* pp. 231-5. Copies were put in Cathedral libraries and used as a source book of the law: *ibid.* 78-80.

tact with the main currents of law and philosophy in the new intellectual life of Europe. The fame of Gratian and the school at Bologna went forth to all the world. In the twelfth century Archbishop Theobald introduced into England Vacarius, master of Roman and Canon law, who taught at Canterbury and, it seems, at Oxford.¹ In the quarrel with Henry II, Thomas Becket (who had belonged to the household of Theobald) relied almost entirely on the text of the *Decretum*, which he had studied at Bologna, and would study again, in exile, at Pontigny.² The freedom won by Becket was ratified and so to say consecrated by the first clause of Magna Carta: "Quod Ecclesia anglicana libera sit et habeat omnia jura sua integra et libertates suas illaesas."

The freedom which was thus guaranteed to the Ecclesia Anglicana³ was freedom from royal interference, not freedom from papal control; rather, it implied freedom to be under papal control.⁴ In matters of ecclesiastical organization and discipline, Rome was the centre of unity and of legislative authority. The Church in England was composed of the Roman province of Canterbury and the Roman province of York,⁵ each with a separate Convocation. In order to meet and act as a united body the whole Church needed the summons of a papal legate. It was likewise in matters of ecclesiastical jurisdiction: "You wish to sue, for instance, as co-defendants in the spiritual Court, a man who lives at Lincoln and another who lives at York. What are you to do? No English prelate has power over both these men. In the judicial system, Canterbury is a unit; and York is a unit. England is no unit. No tie of an ecclesiastical

¹ The *Liber Pauperum* of Vacarius has been edited by Professor de Zulueta for the Selden Society. In a little tract on marriage, Vacarius criticized the evolution of the canon law doctrine: See Maitland, *Law Quarterly Review*, 1897.

² Raymonde Foreville, *L'Eglise et la Royauté sous Henry II* (1943), pp. 16, 22, 265.

³ The term *Ecclesia Anglicana* is, it seems, of Roman origin, like the terms *ecclesia Scoticana*, *ecclesia Hibernicana*, *ecclesia Gallicana*, *ecclesia Hungarica*, and so forth. It is a nomenclature adopted by the Papacy in the work of ecclesiastical administration, and means 'that part of the Church which was constituted in England'. Brooke, *ibid.*, pp. 11-17.

⁴ At his trial, in an argument against the validity of the Act of Supremacy, St Thomas More cited this Clause of Magna Carta which was 'yet unrepealed'. The Clause is still unrepealed: the argument remains.

⁵ And 'the clergy of the Province of Canterbury,' says Counsel *arguendo* in Y.B., 21 Ed. IV, 'do not meddle with the clergy of the Province of York; for the Jews have no dealings with the Samaritans'.

or spiritual kind binds the Bishop of Chichester to the Bishop of Carlisle other than that which binds them both to French and Spanish bishops." To meet such cases, it was common practice for a would-be suitor in England to impetrate a writ from Rome and have the action tried in England by the legate or nominee of the Pope.

In a chapter on *The Law Administered in the Courts of the English Church between the Conquest and the Reformation*, the late Bishop Stubbs stated: "The laws which guided the English (Ecclesiastical) Courts up to the time of the Reformation may be thus arranged: (1) the Canon law of Rome, comprising the *Decretum* of Gratian; the *Decretals* of Gregory IX, published in 1234; the *Sext*, added by Boniface VIII; the *Clementines*, issued in 1318; and the *Extravagants*, or uncodified edicts of the succeeding popes. A knowledge of these was the scientific equipment of the ecclesiastical jurist, *but the texts were not authoritative*. . . ."¹ The Ecclesiastical Courts Commission (1883), for whose information he wrote, naturally concluded: "The Canon law of Rome although always regarded of great authority in England was not held to be binding on the (English) Ecclesiastical Courts."

The argument of Bishop Stubbs and the conclusions of the Ecclesiastical Courts Commission were rejected out of hand by Professor Maitland and again by Professor Holdsworth.² In his work on the *English Church and the Papacy*, Mr Brooke declares: "There is not the slightest trace of a special collection of canons selected for the use of the English Church in any MS., in any mediaeval library catalogue, in any contemporary writer. Such a collection did not exist. The English Church was subject to the same laws, to all the same laws, that the rest of the Church obeyed." It was so, too, in the matter of marriage. At the opening

¹ Ecclesiastical Courts Commission, 1883, i. 24. The italics are mine. Bishop Stubbs says elsewhere that the papal law books were regarded "as manuals, but not as codes of statutes". "Attempts to force on the Church and Nation the complete canon law of the Middle Ages were always unsuccessful."

² Maitland: *Roman Canon Law in the Church of England*, 1898; Holdsworth, *History of the English Law* (1922 ed.), Vol. I, 588-593. In his lectures on Mediaeval and Modern History, 3rd edn. (1900), at p. 336, Bishop Stubbs writes: "As to the further issues from this divergence of view which have been in opposite quarters regarded as bearing . . . even on the essential identity of a National Church. . . . If the *Corpus Juris* (Canonici) is the universal law of a Universal Church, *cadit quaestio*—and a great deal else besides."

of the 4th book of his *Provinciale*, which deals with *Sponsalia*, Lyndwood, the leading English canonist of the fifteenth century, says: "Here we might discuss what is marriage, whence it derives its name, how it is contracted, where it was instituted, what are the causes of its institution, what good flows from it, and what impediments there are to it." And he adds: "of all these matters Innocentius has treated, and yet more fully Johannes Andreae." In other words, to ascertain what is the English law of marriage, one is referred to the works of two Roman canonists, of whom one was *laicus et uxoratus* and the other of whom was Pope.

It is worthy of remark that of some 400 decretals of Alexander III which appear in the collection of Gregory IX, about 180 were directed to England: more than to any other country in Europe. In certain of these decretals some of the leading principles of the canon law of marriage were defined. In a letter to the Bishop of Norwich, Alexander III distinguishes *Sponsalia per verba de presenti* and *per verba de futuro*:

"We understand from your letter that a certain man and woman at the command of their lord mutually received each other, no priest being present and no such ceremony being performed as the English Church is wont to employ, and then that before any physical union another man solemnly married the same woman and knew her. We answer that if the first man and woman received each other by mutual consent directed to time present saying the one to the other 'I receive you as mine' (*meam*) and 'I receive you as mine' (*meum*), then albeit there was no such ceremony as aforesaid, and albeit there was no carnal knowledge, the woman ought to be restored to the first man, for after such consent she could not and ought not to marry another. If, however, there was no such consent by such words as aforesaid and no union preceded by a consent *de futuro*, then the woman must be left to the second man who subsequently received her and knew her, and she must be absolved from the suit of the first man."

"The Decretal sums up in few words the current doctrine of the canon law. On the one hand stands the bare consent *per verba de presenti*, unhallowed and unconsummated; on the other a solemn and consummated union. The formless interchange of

words prevails over the combined force of ecclesiastical ceremony and sex relation."¹

The one contract which, to our thinking (says Maitland), should certainly be formal had been made the most formless of all contracts. From a very early time, to be sure, the Church had insisted that Christian spouses should seek a blessing, and should acknowledge their contract publicly and in the face of the Church. Soon after the Conquest, Lanfranc condemned in strong words one who gave his daughter or kinswoman away without a priestly benediction. In the year 1200 Archbishop Hubert Walter,² with a saving clause for the honour and privilege of the Roman Church, published in a Council at Lambeth a constitution which declared that no marriage was to be celebrated until after a triple publication of banns, and that no persons were to be married save publicly in the face of the Church and in the presence of a priest. Persons marrying otherwise were not to be admitted into the Church without a licence from the bishop. At the Lateran Council in 1215, Innocent III extended over the whole of Western Christendom the custom of 'publishing the banns of marriage'. A marriage with banns thus acquired certain legal advantages over a marriage without banns. In England and elsewhere, until the due publication of the decrees of the Council of Trent a formless, unblessed marriage was still a marriage.

¹ *Pollock and Maitland*, II, 371. One may note the words in the Decretal, "at the command of their lord". The English Pope, Adrian IV, ruled that marriages of slaves, even though contracted against the will of their masters, are not to be dissolved by the Church Courts: "Sicut in Christo Jesu neque liber neque servus est qui a sacramento Ecclesiae sit removendus, ita quoque nec inter servos matrimonia debent ullatenus prohiberi. Et si contradicentibus dominis et invitis contracta fuerint, nulla ratione sunt propter hoc ecclesiastico iudicio dissolvenda." Decretals iv, IX, 1.

In the light of the Decretal of Alexander III, it is amusing to recall that in the year 1843 the House of Lords decided that by the ecclesiastical and common law of England the presence of an ordained clergyman was from the remotest period essential to the formation of a valid marriage: *The Queen v. Millis*, 10 Cl. and F., 534.

² The same Hubert Walter is the reputed author of the first book of the Common Law: Glanvill, *Le Legibus*. His great successor Henry of Bracton, Chancellor of Exeter (c. 1260), took his legal and theological principles from the Old and New Testaments, the Councils and the Fathers, *Decretum* and the *Decretals*, the *Summa de Causis* and the *Summa de Matrimonio* of Raymond of Pennafort, the *Summa Decretalium* of Bernard of Pavia, and the *Ordo Judicarius* and *Summa de Matrimonio* of Tancred as well as from Azo of Bologna. See Schultz, E. H. R., LX (May 1945), pp. 136-176.

Though a marriage by mere words (*per verba de presenti*) was a valid marriage, it was not for all purposes on an equal footing with a marriage which had been consummated (*Ratum et consummatum*). A Cambridge MS. of a lecture by Stephen Langton at Paris contains an interesting reference to the Papal power of dispensation:

It is not our business nor is it possible to define how far the Pope can go. For who would have dared to say before the time of Pope Alexander that a woman who had not consummated her marriage could transfer herself to the monastic life? Who would not have denied that the lord Pope, in the light of the saying in the Gospel "whomsoever God hath joined let no man put asunder", could give dispensation in a matter of this kind? But afterwards, when the decretal was issued, any man who had previously denied it would say the lord Pope could dispense.¹

In the period before the Reformation one may say that the English temporal law had no doctrine of marriage. It never had to say in so many words whether a marriage was or was not valid. Neither adultery nor bigamy nor incest was a temporal crime.² These matters fell within the criminal and corrective jurisdiction of the Courts Christian. If, in a dispute in the King's Courts about dower or inheritance, an issue as to the validity of a marriage arose incidentally, the question was sent for decision to the spiritual Court. The answer would be one of the premises on which the lay Court would found its judgement on dower³ or

¹ Powicke, *Stephen Langton*, p. 140. Adrian Morey, O.S.B. *Bartholomew of Exeter*, pp. 66-72.

² Bigamy and incest have been made criminal offences by Statute: see Offences against the Person Act, 1867, §57; Incest Act, 1908, §1; §2.

³ The King's justices evidently thought the formlessness of the canonists would lead to mischief and uncertainty. They demand publicity. No woman can claim dower unless she has been endowed at the church door. Marriages contracted elsewhere may be valid enough. Only at the church door can a bride be endowed. In a death-bed marriage, a man may be induced to "make an honest woman" of his mistress. "It may, one hopes, profit his soul in another world, but it will give no rights in English soil." Modern English lawyers are free, not to say severe, in their criticism of some aspects of mediaeval canon law: "Reckless of mundane consequences, the Church, while she treated marriage as a formless contract, multiplied impediments which made the formation of a valid marriage a matter of chance. The most important of these obstacles were those which consisted of some consanguinity or affinity between the parties. . . . Behind these intricate rules there is no deep policy, no strong religious feeling; they are the idle ingenuities of men who are amusing themselves by inventing a game of skill

inheritance. In the matter of legitimacy, the lay Courts were as a rule at one with the Courts Christian. If the Church said "This child is legitimate," the State said "It is capable of inheriting." A marriage which was not contracted "*in facie ecclesiae*", and which could not therefore give the wife a claim to dower, might thus be a good enough marriage so far as concerned the legitimacy of the children.

To the agreement between Church and State on the matter of legitimacy and inheritance there was one exception. A bastard remained incapable of inheriting land even though, after his birth, his parents had become husband and wife. The Statute of Merton (1236) tells the story:

'Ad breve regis de bastardia utrum aliquis natus ante matrimonium habere potuit hereditatem sicut ille qui natus est post. Responderunt omnes Episcopi quod nolunt nec possunt ad istud respondere, quod hoc esset contra communem formam ecclesiae. Ac rogaverunt omnes Episcopi Magnates ut consentirent quod nati ante matrimonium essent legitimi sicut illi qui nati sunt post matrimonium quantum ad successionem hereditariam quia Ecclesia tales habet pro legitimis; et omnes comites et barones una voce responderunt quod nolunt leges Angliae mutare quae usitatae sunt et approbatae.'

Maitland opines that the celebrated *Nolumus* expresses a professional as well as a national conservatism: "It was no baron but a lawyer, an ecclesiastic, a judge, Bracton's master, William Raleigh, who had to meet the clerical forces and to stand up for English practice against the laws and canons and consensus of Christendom."¹

which is to be played with neatly drawn tables of affinity and doggerel hexameters. . . . When we weigh the merits of the mediaeval Church and have remembered all her good deeds, we have to put into the other scale as a weighty counterpoise the incalculable harm done by a marriage law which was a maze of flighty fancies and misapplied logic." P. and M., 2nd Edn., pp. 385-9. And see Esmein, 1st Edn., i, 84, 189-191; ii, 128.

¹ One ought to add that at the date of the Council of Merton, William Raleigh was a canon of St Paul's and was going to be a bishop (at Norwich, and at Winchester) and something of a martyr: Grosseteste, Epist., 72, 95.

The opinion of Maitland as to the professional character of the *Nolumus* is borne out by Sir John Fortescue, Chief Justice, who, writing in the fifteenth century, makes a spirited defence, on moral and theological grounds, of the English rule which rejected the *legitimatio per subsequens matrimonium* of the Roman Civil law, though it was followed by the Canon law. See Fortescue *de Laudibus Legum Angliae*, cc. 39-41, Dr Chrimmes' edition, 1942, pp. 92-101.

Notwithstanding these differences on matters that touched what we may call the temporalities of marriage, dower and inheritance and the rest, it remains true that, in the period before the Reformation, the King's Courts had no doctrine of marriage and no jurisdiction over marriage. Marriage, being a sacrament, was regulated by the Church. Its validity or invalidity was examined by the Court Christian. The certificate of the Ordinary was conclusive in the King's Court. Matters concerning divorce (*a mensa et thoro*) and the prestation of conjugal rights were within the exclusive jurisdiction of the ecclesiastical Court.

II

The Reformation in England turned largely on a matter of marriage; of King Henry's marriage with Queen Katherine, and of his remarriage with Anne Boleyn. At his trial, St Thomas More protested: "It is not for this Supremacie so much that ye seek my blood, as for that I would not condescende to the marriage."¹

The Statute of Appeals, enacted in 1533, was the necessary complement of the King's marriage with Anne Boleyn and of the divorce proceedings before Cranmer. In the Preamble to the Statute the King (now claiming to be an Emperor) sketched with his own hand the relations that were to exist between the Imperial Crown and that which Professor Holdsworth calls "the new Anglican Church". The King was to be supreme in all matters and causes, ecclesiastical as well as civil.

"But," adds the master of English legal history, "the great

In contradistinction to the pagan character of the Roman Civil Law, the *ethos* of the mediaeval Common Law was entirely Christian. Thus, to keep a brothel or a bawdy house (which is tolerated by the Roman Civil Law and by certain countries of the Roman law tradition) is a criminal offence at Common law. Compare St Jerome Epist. LXXXVII, ad Oceanum.

¹ What is true of St Thomas More is equally true of his imperishable companion, St John Fisher. In the Preface to the 1935 edition of Bridgett's *Life of More* is printed a remarkable letter from James Gairdner: "More died 'directly' for rejecting the King's supremacy—that was why he was condemned. Indirectly, as you say, he suffered for his faith in the supremacy of the Holy See. But if we take cognisance of a cause for which he 'indirectly' suffered, he also died to uphold the sanctity of marriage, of which at that time there seemed apparently no other guarantee than papal jurisdiction. Nor did he and others die in vain who protested against moral laws being twisted and turned upside down by royal authority to satisfy lust and self-will." See, too, Holdsworth, *H. E. L.*, iv, 490.

breach of continuity has yet to be noticed. The academic study of the Canon law was prohibited. No step that Henry took was more momentous. He cut the very life thread of the old learning. And, as if this were not enough, Henry encouraged and endowed the study of the (Roman) Civil law, and the unhallowed Civilian usurped the place of the canonist on the bench. The significance of the change is sometimes overlooked. . . . The theory of Church and State which the Civilian found in his books was the Imperial papalism, the Caesaro-papismus of Byzantium; and now what had been the one known antidote of the theory was to be placed out of reach: the schools of Canon law were closed."¹

There came thus a sudden catastrophe in the history of the spiritual courts. A series of statutory proposals for the codification of the "King's Ecclesiastical law of the Church of England" having come to nothing, the interim arrangement remained by which Parliament directed that canons, constitutions, ordinances and synodals provincial being already made "which be not contrariant or repugnant to the law, statutes and customs of this realm, nor to the damage or hurt of the King's Prerogative" and "other ecclesiastical laws or jurisdictions spiritual as be yet accustomed and used here in the Church of England" were to continue in force.² By authority of statute, some parts of the old Canon law remained in operation; other parts were abrogated. No one attempted to disentangle the parts that were in force and the parts that were no longer binding.

¹ Maitland, *Canon Law in the Church of England*, pp. 92-4. Henry established and endowed Regius Professorships of Roman Civil law at Oxford and Cambridge. At Oxford, one of the early occupants of the Chair was Alberico Gentili, who "hated the canon law as a thoroughbred civilian should hate it". In his work *de Nuptiis* (ed. 2, Hanoviae, 1614) he speaks his mind of the works of Canon Law: "*Flammis, flammis libros spurcissimos barbarorum, non solum impiissimos anti-Christi. Flammis omnes, flammis.*"

² See e.g. 25 Hen. VIII, c. 19; 27 Hen. VIII, c. 15; 35 Hen. VIII, c. 16; 3 and 4 Ed. VI, c. 11. The Statute 31 Hen. VIII, cap 8, imposed the death penalty for offences against "any Proclamation to be made by the King's Highness, his heirs or successors for and concerning any kind of heresies against the Christian religion". A subsequent statute, 37 Hen. VIII, c. 17, sweeps away divers constitutions of the Bishop of Rome and "his adherents" the bishops of England and proclaims that "by the word of God" the King has and always has had full power and authority to exercise ecclesiastical jurisdiction. The Code of Post-Reformation Canons known as the *Reformatio Legum Ecclesiasticarum* produced in 1571 by Foxe with the permission of Archbishop Parker was not approved by Convocation or the Queen or Parliament.

The "new Anglican Church" had in the State the source of its unity and existence: *Ens et unum convertuntur*. From the beginning it had no power in its own right to define the Christian Faith or Christian morals; or to make or amend the rules of "the King's Ecclesiastical law". The new Ecclesiastical Courts of our Lord the King, staffed by Civilian lawyers, are henceforth expected to enforce and do enforce Acts of the English Parliament.¹ The marriage law they administered was in large measure dictated by a Statute of 1540, which "consigned to oblivion vast masses of intricate old canon law relating to consanguinity and affinity".² "Before the Reformation, the degrees of relationship by consanguinity and affinity, within which marriage was forbidden, were almost indefinitely multiplied; but the prohibitions might have been dispensed by the Pope or those who represented him. At the Reformation, the prohibited degrees were confined within the limits supposed to be expressly defined by Holy Scripture, and all dispensations were abolished. The prohibited degrees were those within which intercourse between the sexes was supposed to be forbidden as incestuous, and no distinction was made between relationship by blood or affinity."³ The prohibited degrees were set forth by authority in 1563, and, save in as far as they have been modified by a succession of Statutes in modern times, are still part of the law.⁴

In the period between the Reformation and the Matrimonial Causes Act, 1857, the English law of marriage (now made or sanctioned by Statute) was administered in the King's Ecclesiastical Courts by Roman Civilian lawyers. Appeals lay, no longer to the Pope, but now to the Crown in Chancery, and

¹ Before the end of the seventeenth century a large part of the operative law which the Civilians had to administer in the ecclesiastical Courts was to be found in modern Acts of Parliament and judgements of the Secular Courts.

² For the complex of Statutes that deal with prohibited degrees, see Holdsworth, *H. E. L.*, iv, 491-2.

³ See *Brook v. Brook*, 1861, 9. House of Lords Cases per Lord Campbell at pp. 206-7.

⁴ See e.g. Deceased Wife's Sister's Marriage Act, 1907 (7 Ed. VII, c. 47); Deceased Brother's Widow's Marriage Act, 1921 (11 and 12, Geo. V, c. 24); Marriage (Prohibited Degrees of Relationship) Act, 1931: An Act to amend the law relating to the marriage of persons with their nephew or niece by marriage. A marriage between persons within the prohibited degrees is now null and void. Formerly, such a marriage was only voidable by sentence of the Ecclesiastical Court during the lifetime of the parties: Rayden on Divorce, 1942 ed., pp. 45-48.

later, to the Crown in Council. The procedure then adopted was to appoint a Court of Delegates *ad hoc*, consisting as a rule of three puisne judges and three Doctors of the Civil law.¹ In 1832 a Commission reported that proceedings before the Delegates were expensive and unsatisfactory. In 1833 appeals were transferred to the Judicial Committee of the Privy Council.

The early Protestant reformers claimed that a decree of divorce, obtained in the Ecclesiastical Courts on the ground of adultery, had the full effect of a divorce *a vinculo*.² After a period of confusion, in 1602, Archbishop Bancroft, sitting in the Star Chamber, held in *Foljambe's* case that a sentence of divorce in the King's Ecclesiastical Courts did not effect a dissolution *a vinculo*.³ The Ecclesiastical Courts, being thus without power to grant a divorce *a vinculo*, granted divorces *a mensa et thoro* on the grounds of adultery, cruelty or unnatural offences. The remedy for desertion was a decree for restitution of conjugal rights, disobedience to which entailed a sentence for contumacy, and excommunication.⁴ The Courts also pronounced decrees for nullity of marriage, on the grounds of consanguinity or affinity,

¹ As a result of the reforms of Henry VIII, a race of lay Civilians arose who did the work of their Canonist predecessors. They were busy as ambassadors, as international lawyers, as masters of Requests and masters in Chancery, as bishops' chancellors and as judges in the ecclesiastical courts. In the course of time a society of men engaged in the Ecclesiastical and Admiralty Courts acquired buildings in Knightbridge Street near St Paul's, which came to be known as *Doctors' Commons*. Doctors' Commons did for the Ecclesiastical law what the Inns of Court did for the Common law. The society was incorporated in 1768 as "The College of Doctors of Law exercent to the Ecclesiastical and Admiralty Courts".

² The Marquis of Northampton, who had been divorced in 1552 and had remarried, obtained recognition of the validity of his re-marriage by a Court of Bishops, and Parliament passed an Act pronouncing him to be "separate, divorced, and at libertie" by the laws of God to remarry. The Act was afterwards repealed!

³ After the Restoration, it became the practice to petition Parliament for a Private Act whereby a divorce *a vinculo* was pronounced. From 1715 to 1852, 184 divorces by Private Act were effected.

⁴ By an Act of 1813, imprisonment for not more than six months was substituted for a sentence of excommunication. By Statute, 16 Charles I, the criminal and corrective jurisdiction of the ecclesiastical Courts was abolished. And here it is convenient to point out that in the time of the early Stuarts Sir Edward Coke and his fellow judges successfully claimed that the Church and its Courts were subject not only to Statute and the Royal supremacy, but also to the control of the King's judges and of the Common Law. This control they exercised by Writs of Prohibition. The general effect was progressively to limit and weaken the ecclesiastical jurisdiction. In 1942 the Court of Appeal declared that the jurisdiction of the Ecclesiastical Courts over lay-folk was "gone beyond recall".

mental incapacity, impotence, force or error, impuberty, or a prior existing marriage.¹

Until the year 1857, no Court in England had or claimed jurisdiction to dissolve a marriage *a vinculo*. In giving judgement in the House of Lords in 1938, the late Lord Russell of Killowen gave a rapid sketch of the history of English marriage: "My lords, when England was a Catholic country, matrimony was a sacrament, conferred upon them by the spouses. This sacramental nature of marriage, the holy estate of matrimony, was the basis of the civil law of Europe with regard to it. When, in the reign of Elizabeth, England abandoned the old Faith and became a Protestant country, matrimony ceased, according to the new dispensation, to be ranked among the sacraments of the Gospel. The 25th of the 39 Articles so provided. The status of marriage became the product or result of a contract between the parties. But the obligations resulting from the status, the solemnity of the status, the importance to a civilized community of its maintenance remained almost unimpaired. Until the first Divorce Act in 1857, the marriage tie was indissoluble except by legislation."² "Before 1857," said Lord Dunedin in another case, "the law of England is that an English marriage is indissoluble by any Court, it is something that cannot be broken; indissoluble in essence." "English Courts before 1857 would from their nature be inclined to refuse to recognize a decree of dissolution of marriage, because in their view of the law marriage (*matrimonium verum et ratum*) was indissoluble. . . . It was only in obedience to the so to say brute force of a statute that they submitted to recognize a dissolution."³

The attitude of the Ecclesiastical Courts at the turn of the nineteenth century to the separation of the spouses by divorce *a mensa et thoro* is illustrated by a judgement of Lord Stowell:

Though in particular cases the repugnance of the law to dissolve the obligations of matrimonial co-habitation may operate

¹ A suit for jactitation of marriage might also be brought against a person who had falsely asserted or boasted that he or she was married to another. The sentence of the Court enjoined such person to keep perpetual silence.

² *Fender v. Mildmay*, 1938. Appeal Cases at pp. 27, 28.

³ *Salvesen v. Administrator of Austrian Property*, 1927. Appeal Case 641, per Lord Phillimore at p. 664.

with great severity upon individuals, yet it must be carefully remembered that the general happiness of the married life is secured by its indissolubility. When people understand that they must live together, except for a very few reasons known to the law, they learn to soften by mutual accommodation that yoke which they know they cannot shake off; they become good husbands and good wives from the necessity of remaining husbands and wives, for necessity is a powerful master in teaching the duties which it imposes. If it were once understood that, upon mutual disgust, married persons might be legally separated, many couples, who now pass through the world with mutual comfort, with attention to their offspring and to the moral order of civil society, might have been at this moment living in a state of mutual unkindness, in a state of most licentious and unreserved immorality. In this case, as in many others, the happiness of some individuals must be sacrificed to the greater and more general good.¹

The attitude of the Ecclesiastical Courts to *private* separation agreements between spouses is stated by the same high authority in another case:

This Court considers a private separation as an illegal contract implying a renunciation of stipulated duties, an assumption of a false character in both parties, contrary to the real *status personae*, and to the obligations which both of them have contracted in the sight of God and man, "till death them do part", and on which the solemnities both of civil society and of religion have stamped a binding authority from which the parties cannot release themselves by any private act of their own or for causes which the law itself has not pronounced to be sufficient and sufficiently proved.²

¹ *Evans v. Evans* I. Haggard, Cons., 35.

² *M. v. M.*, 1920, 2 Haggard, Cons., 310, 318. On the other hand, in the case of *H. v. H.* 1862, 4, de G. F. and J., 221, 226, Lord Westbury, effecting what has been called "the final emancipation of law and equity from ecclesiastical domination in this respect", stated: "The ecclesiastical law and the rules and doctrines of the Courts Christian were (sc. by the legislation of Henry VIII) subordinated to the Common Law and what the Common Law did not prohibit in the ordinary relations of life could no longer be dealt with as an offence by the ecclesiastical law. The ecclesiastical law was thenceforth put *sub graviore lege*. Then, by the Common Law, voluntary separation, that is, the cessation by mutual agreement of the *consortium vitae* of matrimony was not a thing forbidden, prohibited, or in any way made the subject of punishment. It seems to me therefore impossible to say, after the Reformation, as a general proposition, that voluntary separations were contrary to the policy of the law."

Such were the traditions and such was the spirit which animated the Ecclesiastical Courts in the early years of the nineteenth century. Within the limits imposed by the *graviore leges* of Statute and of Common Law, the substance of the old Canon law remained.¹ In appropriate cases, advocates and judges referred to the *Decretum* and the *Decretals*, to the legatine and provincial constitutions of Otto (legate of Gregory IX) and Ottobon (legate of Clement IV); to the commentaries of English and foreign canonists of the pre-Reformation and of the post-Reformation time. At Doctors' Commons was a magnificent library (the catalogue of 1818 ran to 236 pages) of books of the Roman Civil and the Roman Canon law. It was the custom of each bishop at the confirmation of his election to give a subscription for the purchase of fresh books. In this way, even the current books of the Roman Canon law were available for reference and for use in argument and in judgement.²

In the course of the nineteenth century the institution of marriage in England fell more and more under the control of Parliament and of Statute law. An Act of 1835 enabled citizens to marry before a Registrar, without any religious ceremony. Marriage was now a contract in which the Church had no special concern. The Divorce Act of 1857 gave national sanction to the purely contractual view of marriage, and propagated the belief that the marriage contract, like every other agreement, ought to be capable of dissolution.

¹ In *Collins v. Jesset* (1703) Lord Holt, C. J., declared: "If a contract be *per verba de presenti*, it amounts to an actual marriage, which the very parties cannot dissolve by release or mutual agreement: for it is as much marriage in the sight of God as if it had been *in facie ecclesiae*: with this difference, that if they cohabit before marriage *in facie ecclesiae*, they are for that punishable by ecclesiastical censures." A Statute of 1694 imposed a fine of £100 on any clergyman who should celebrate a marriage without publication of banns. Lord Hardwicke's Act, 1754, invalidated all marriages (save marriages of Quakers or Jews) not celebrated in the parish church of the parties and after due publication of banns. Certain powers of dispensation were given to bishops and to the Archbishop.

² Thus, in *Aston v. Wilde*, 1731, 2 Lee 580, the law in a nullity suit was taken from (inter alia) the *Decretals* of Gregory IX and the *Decisiones Sacrae Rotae Romanae* (Venice, 1726), and the *De Probationibus* of Mascardi. In *Keats v. Keats*, 1859, Sw. and Tr., the Court expressed its "deference" to the opinion of Sanchez (1610). See, too, *B. v. B.*, 1 Haggard, Eccl. 793; *S. v. S.*, Lushington 2, Notes of Cas. Supp. XIV. Sanchez (and through him Albertus Magnus and Aquinas) was cited by Lord Birkenhead in *C. v. C.*, 1921, p. 399, 400; and by the Court of Appeal in *J. v. J.*, 1947, p. 158. And see Lord Blackburn on the use of foreign jurists in ecclesiastical cases: 1881, L. R. 6, App. Cas., at p. 446. *Op. Canon Law of the Church of England*, 1947, pp. 48-59.

By the Act of 1857 all the old jurisdiction exercisable by any Ecclesiastical Court in respect of divorces *a mensa et thoro*, suits of nullity of marriage, suits for restitution of conjugal rights, suits of jactitation of marriage and in all causes and matters matrimonial was taken away. And all the jurisdiction so taken away from the Ecclesiastical Courts, *together with* a new statutory jurisdiction to pronounce decrees of divorce *a vinculo*, was vested in a new 'Court for Divorce and Matrimonial Causes'.

The English law of marriage, which had been administered in turn by the Roman Canon lawyers (1066-1533), and by the Roman Civil lawyers of Doctors' Commons (1533-1857), was now to be administered by the common lawyers of the Inns of Court.

RICHARD O'SULLIVAN

(*To be concluded*)

SOME VITAL STATISTICS

GOVERNMENT publications are not, as a rule, particularly thrilling or attractive documents. From time to time, however, a report or a publication issued by one or other of the government departments brings home to the careful reader the full facts of a situation which has until that time probably been only vaguely present to his mind.

Everybody is aware, of course, especially since the Population (Statistics) Act of 1938 and the setting up of the Royal Commission on Population, that the situation of this country, so far as the number of people in it is concerned, is liable to be subject to very considerable changes in the course of the next few generations. A shortsighted view, considering the most recent figures for the birthrate in this country (19.1 per thousand in 1946), might consider that the suggestions put forward by various writers that our population is due to decline are, in fact, only examples of demographic scaremongering. It is a good thing to be given accurate and reliable statistics and to be able to base on them an informed judgement of the population trends at the present time.

The Central Statistical Office has recently published the *Annual Abstract of Statistics* for 1935-1946.¹ It is a big and somewhat forbidding volume with columns and pages of figures, but it provides an immense amount of useful and significant information on a great variety of topics, including the area and climate of the country, population and vital statistics, education, social conditions, defence, production and finance.

The tables which deal with vital statistics and with divorce proceedings are the most significant for any reader who shares the growing anxiety which is being felt on all sides at the degradation of marriage and the decay of family life. Tables 7 and 8, for example, give the age distribution of the population in this country—knowledge of which is essential for a proper understanding of population trends. An illustration of what is happening in the country is furnished by a comparison of the number of school children in England and Wales at three different periods: at the beginning of the century, between the two wars and at the present time. The following table sets out the position:

	1901	1931	1946
Boys 5-14	3,410,000	3,298,000	2,839,000
Girls 5-14	3,419,000	3,232,000	2,753,000
Total	6,829,000	6,530,000	5,592,000

Thus from 1901 to 1931 the school-child population in England and Wales declined from nearly 7 million to about $6\frac{1}{2}$ million—a total decline, in fact, of 299,000. There was a further decrease of 938,000 children in the 15 years between 1931 and 1946. The tables therefore show that since the beginning of the century the school-child population in England and Wales has declined by well over one million children; and that the rate of decline is rapidly increasing.

The decline in the birthrate since 1880 and the reduction

¹ Pp. 272. H.M. Stationery Office. 10s.

of the net reproduction rate below unity since 1923, are now having their effect throughout almost the whole range of our population. This can be illustrated by a comparison, within the short interval of 15 years, between the numbers of the male population in the United Kingdom above and below the age of 40. In 1931 out of a male population of just over 22 million, about $14\frac{1}{2}$ million were under 40 years of age, and there were about $7\frac{1}{2}$ million men above that age. In 1946 the male population had increased to about 23,800,000 but the increase was almost entirely in the older group. There were still only about $14\frac{1}{2}$ million males under 40 and there were $9\frac{1}{4}$ million over that age. Here perhaps is the real crux of the manpower problem which has not yet been fully appreciated. We are not only in danger of losing vitality and of becoming a dying people, but the shrinkage of recruits into industry will mean inevitably a very stringent control of the declining manpower of the country. The very age-structure of our population may lead to the imposition willy-nilly, by any form of government, of some species of direction of labour.

The following table drives home even more forcibly the way in which the "age centre of gravity" is moving steadily away from youth and towards old age. It gives the number of people in England and Wales below 50 years of age and above 50 at the three periods, 1901, 1931, and 1946:

	1901	1931	1946
Under 50: Male	13,523,000	14,978,000	15,554,000
Female	14,214,000	15,903,000	15,685,000
Total	27,737,000	30,881,000	31,239,000
Over 50: Male	2,203,000	4,154,000	5,118,000
Female	2,585,000	4,916,000	6,493,000
Total	4,788,000	9,070,000	11,611,000
Grand Total	32,525,000	39,951,000	42,850,000

It will be seen that in 1901 out of a total of $32\frac{1}{2}$ million people, just over one-seventh were above 50 years of age. In 1931, when the population had risen to almost 40 million, the proportion of people over 50 had also risen to more than one-fifth. In 1946 with a population of $42\frac{3}{4}$ million there were $11\frac{1}{2}$ million people over 50 years of age. The proportion, in other words, had risen to more than a quarter. Meanwhile, of course, the number of people under 50 years of age has been growing at a heavily decreasing rate. There were almost 31 million people under 50 in 1931 and only $31\frac{1}{4}$ million 15 years later. In fact the actual number of females under 50 years of age has already begun to decline. The total was 15,903,000 in 1931 and only 15,685,000 in 1946. The shadow of decline is already spreading over our population. There are 318,000 fewer potential mothers at the present time than there were in 1931. Numerically, we seem to have passed the peak of motherhood.

It may be worth while to turn from vital statistics to another aspect of family life which is presented in Table 56 under the title "Divorce Proceedings". The figures cover the 12 years from 1935 to 1946, and in them perhaps more than anywhere else can be seen the degradation of marriage which is taking place in English life. In 1935 just over 5,000 divorce petitions were filed. In 1946 the number was 41,000—an eight-fold increase in 12 years. Of these 41,000 petitions in 1946, almost 30,000 were filed on grounds of adultery, which means that at least three persons were implicated in the breaking-up of a home, without any account being taken of the possible number of children involved. More significant than the total figures is the indication provided by these statistics of the way in which petitions for divorce have changed. Before the last war, wives were always a bigger proportion of petitioners than husbands. In 1938, for example, of the 8,517 petitions, 3,822 were filed by husbands and 4,695 by wives. In 1946 the situation was completely changed. Of the 41,704 petitions, 26,429 were filed by husbands and 15,275 by wives. The onus for the break-up of marriage seems to be shifting from the husbands to the wives; and the figures may perhaps be read as a sorry commentary on wartime conditions, women in industry, and overseas service for the armed forces.

A few weeks before the publication of the *Annual Abstract of Statistics*, the Registrar-General published the text volume of his *Statistical Review of England and Wales for the Years 1938 to 1939*.¹ Here again is a mass of statistics with authoritative commentary on them. The most significant are the new statistics which have become available as a result of the passing of the Population (Statistics) Act in 1938. Under this Act much fuller information can now be obtained concerning the parents, and particularly the mother, in respect of all births registered since 1 July, 1938. Among the marital statistics, for example, the Registrar is now furnished with the date of marriage of the parents and the number of the previous children by the present or a former husband.

Catholic teaching with regard to marriage and the dwindling current of Christian tradition in this country insists on the high ideals, the delicacy and the self-control with which men and women should approach the subject and the possibility of marriage. A lowering of standards of conduct may easily tend to lower the level of the whole conception of marriage and family life, and to break down the ideal of the relationship between two persons who are contemplating sharing their lives and forming a home together. It is in this respect with regard to pre-marital conduct that information in the form of statistics is now becoming available.

In 1939 the number of live births registered was 619,352, corresponding to a crude birthrate of 14.9 per thousand. Of these live births 25,942, or just over 4 per cent of the total, were illegitimate. This proportion is not exceptional and is, in fact, slightly lower than the average for the last 50 years.² The new information now available to the Registrar-General has allowed him to estimate the number of legitimate children who were conceived before the marriage of their parents. The total figure for 1938 is 62,750 and for 1939 is 59,780. The distribution over the different age groups is given in the following table:

¹ Pp. 237. H.M. Stationery Office. 4s. 6d.

² In 1944 the percentage went up to 7.3, and in 1945 to 9.3. It went down again in 1946 to 6.6.

Age of Mother	15-45	15-	20-	25-	30-	35-	40-
1938	62,750	14,920	31,330	11,450	3,490	1,220	340
1939	59,780	15,820	28,670	10,530	3,300	1,140	320

Hence, prior to the war the number of pre-maritally conceived maternities was approximately 60,000 per year and the tables show that about half of these maternities must be attributed to mothers between the ages of 20 and 25. In another table (p. 193) the Registrar-General computes the number of pre-maritally conceived legitimate maternities per 1000 related brides. The figures are as follows :

Age of Mother	15-45	15-	20-	25-	30-	35-	40-
1938	182	514	206	109	99	83	44
1939	160	418	175	96	90	72	38

"It is from these rates," notes the Registrar-General, "that it is possible to say that, for the age period 15-45 as a whole, 16 per cent of the wives concerned in the 1939 experience must have been pregnant at their dates of marriage and that so far as comparison is possible the proportion was rather higher (18.2 per cent) in 1938. The percentage is maximal at ages under 20 where it is of the order of between 40 and 50 per cent, a record which is in strong contrast to the corresponding figure for all later ages. The somewhat sensational height of the 'Under 20' proportion has evoked some public comment, as though it were evidence of excessive immorality among adolescents, an interpretation which completely misrepresents the situation, for as is shown below, the incidence of sexual irregularity is below average at those ages and is far higher at all early adult ages. The highness of the proportion here should be regarded as a sign of grace rather than a matter for

reproach, since it is, in the main, a reflection of the willingness on the part of the parents concerned to legitimate their offspring by marriage before birth takes place."¹

From the published figures it is thus possible to bring together the total number of pre-maritally conceived children whether legitimated by subsequent marriage of their parents or not. The combined figure comes to just over 90,000 for 1938 and 86,350 for 1939. This represents an annual rate of irregular conceptions of just over 20 per 1000 unmarried women of the 15-45 age group. The rate is at its highest in the 20-24 age group where it is reckoned to be 36 per 1000. In terms of all maternities this means that approximately an average of one child in seven is conceived out of wedlock.

This is a disquieting subject, whether considered in terms of the parents concerned and what their views must be on the dignity and holiness of parenthood; or whether considered from the point of view of the children concerned, many of whom must undoubtedly have been "unwanted"; or from the point of view of the general moral tone of society, its conception of the prestige of marriage and the morals of sexual relationship. As the Registrar-General has put it, "From the magnitude of the events recorded, it seems at least questionable whether specific family planning plays any considerable part as yet in determining births throughout the community at large. In spite of contraceptive controls, the incidence of the irregularities extends far beyond the young ages, leaving a strong impression that a large proportion of our children continue to arrive other than at the conscious and deliberate intention of their progenitors."

The conclusion to be drawn seems clear enough. "Though public discussion of this subject has been invested with a certain amount of taboo in the past, the revelation made possible by the new records, that one-seventh of all the children now born in this country are products of extra-marital conceptions, or, to go further, that nearly 30 per cent of all mothers

¹ On other occasions I have been guilty of some exaggeration in suggesting that one bride in four is pregnant on her wedding day. The figure should be one in six, though it may be disputed whether it is a "sign of grace rather than a matter for reproach" that 70 per cent of the total births irregularly conceived are regularized by the marriage of the parents before birth occurs.

today conceive their first-borns out of wedlock, is sufficiently startling to render the matter of more than statistical significance."

It must be remembered that these figures relate to peacetime conditions, and everybody will agree that a survey of the wartime figures may be awaited not only with interest but with deeper anxiety. As with the grave problem of venereal disease, statistics can deal only with known and recorded cases. The maternities here dealt with represent sexual irregularities which actually resulted in the birth of children. And that, one feels, is only a part—perhaps only a small part—of a grim and disquieting story of moral irresponsibility.

In this way, out of the somewhat dry figures published by government departments, it is possible to form an estimate of at least one aspect of the moral condition of the country. Quite obviously a campaign in defence of the dignity and prestige of the married state, in defence of the sanctity and integrity of family life, is becoming more and more necessary. The Catholic doctrine on the Sacrament of Matrimony, Catholic insistence on the obligations of the fourth commandment, and perhaps more emphatic preaching on the unique dignity of Catholic parenthood as it is explained, for instance, in Pope Pius XII's encyclical on the Mystical Body of Christ, will help to stem the current and to restore to this country a healthy family life, which is so essential as a foundation to a healthy society.

ANDREW BECK, A.A.

LOUVAIN SEEKS A THOMIST EPISTEMOLOGY

"I HOPE that you will find a way out of the difficulty into which I have got myself. . . . Does not what you have been saying amount to this: that there must be a single science which is wholly a science of itself and other sciences, and that the same is also the science of the absence of sciences?"

The question comes from Socrates in Plato's *Charmides*¹ and is the earliest reference to what is now called "Epistemology" or "Theory of Knowledge". Critias, whom Socrates is examining, admits the latter's interpretation of his words, whereupon Socrates opens fire on him, appealing to Critias to consider "how monstrous this proposition is". The right of Epistemology to exist was thus questioned from the first moment, yet the "monstrous" character of the suggestion that there is a science of knowledge has not deterred philosophers, not even the author of the *Charmides*, from trying to elaborate one. Plato is probably most widely known as the author of a theory of knowledge. Is it quite so "monstrous" to suggest the possibility of a science of knowledge? Would it be better for us to bury as soon as possible, or at least conceal in decent obscurity, the "monstrosities" born of misguided human ingenuity and christened "theories of knowledge"? Who is ready to answer these questions, when Socrates warns us that some great man is wanted to determine such matters satisfactorily, and adds: "I altogether distrust my own power of determining these matters: I am not certain whether there is such a science of science at all; and even if there be, I should not acknowledge this to be wisdom or temperance, until I can also see whether such a science would or would not do us any good."²

The hesitations first voiced by Socrates regarding both the possibility and the advantage of Epistemology have made themselves manifest in the Neo-thomist school, and anyone who has been educated in that school will have experienced them. But however strongly one may have felt the temptation to dismiss Epistemology by denying its right to existence, one cannot fail to admit that this course does not effectively dispose of it. It has been said that Philosophy always buries its undertakers, and it seems to be the epistemologists who do the gravedigging; as long as anything remains to be buried, or dug up for that matter, they will be with us. We may as well make their acquaintance. Hence we welcome the appearance of a large and handsome volume on Thomist Epistemology by Georges Van Riet, who is "*chargé de cours*" at the *Institut*

¹ *The Dialogues of Plato*. Translated by Jowett. Vol. I, pp. 25 sq. 3rd. Ed.

² *Op cit.*, *Charmides*, p. 167.

Supérieur de Philosophie of Louvain University. This work,¹ the third in a series forming the *Bibliothèque Philosophique de Louvain*, and illustrating admirably the post-war vitality of the Louvain school of Neo-thomists, may presumably be regarded as containing the views which are at present in vogue there, and merits close attention.

Van Riet begins by remarking that though it is nearly a hundred years since Christian thinkers undertook the task of restoring Thomist philosophy, they have not as yet succeeded in establishing an Epistemology; the object, method, *problématique* (setting of problems), and relation of this study to others, are still matters of dispute between them. Why is this so? What obstacles lie in the way of an Epistemology Thomist in inspiration? If there is a basic unanimity beneath the apparent disagreement of our epistemologists, how can it be brought to light? In order to answer these questions and thus contribute both to the history of philosophy and to the establishment of a Thomist theory of knowledge, the author has studied the ways in which those who appeal to St Thomas have in fact conceived the study of knowledge. He has considered chiefly attempts to deepen, perfect, and above all systematize the epistemological conceptions scattered through the writings of St Thomas, and has examined especially the answers they provide to the following questions: What is the object of Epistemology? What is its method? In what order should its problems be treated? What place does it occupy in a systematic philosophy?

No matter how objective one would like history to be, it is always written by someone with ideas to guide him, and M. Van Riet tells us what his have been in the writing of this work. It is, he believes, an elementary truth, easily discovered by the analysis of the cognitive phenomenon and abundantly confirmed by the history of the theory of knowledge from antiquity down to the present day, that knowledge presents itself to us under two basic aspects: "*Connaître, c'est, à la fois, constater et comprendre*"; it is to know *that* things are, and to know *what* they are; it is to grasp their existence and to penetrate

¹ *L'Épistémologie Thomiste*. Par Georges Van Riet. 1946. Pp. 672. Editions de l'Institut Supérieur de Philosophie, Louvain.

their essence. *Constatation* implies a certain passivity, a receptivity in the subject with respect to something exterior, the acceptance of a datum, a part of experience. Concrete existence, contingency, factual connexions, all belong to this order. But to know is also *comprendre*, it is to reduce the diversity of the datum to unity, to interiorize it, to discover its law, its reason, its cause, its *propter quid*. As opposed to *constatation*, *compréhension* connotes in the subject a preponderantly active and spontaneous attitude of mind and the attributes of universality and necessity in the object.

The reconciliation of these two contrasting aspects of human knowledge is the basic task of Thomist Epistemology, as of any other theory of knowledge. Empiricism shirks the task by disregarding one aspect (the function of thought) and idealism by neglecting the other (the part played by the datum). The author claims that Thomist solutions, while avoiding these extremes, may be grouped according to the respective importance which they attach to the one or the other of these two aspects of knowledge. It has not been the author's aim to verify this idea in the history of Thomist Epistemology, but he admits having used it as a *fil conducteur*.

He begins his formidable research with a chapter on the nineteenth-century authors. After a preliminary article on James Balmès, "the precursor", he ranges from Liberatore's *Institutiones* to Gredt's *Elementa* (1845-1899) in search of light. With what result? "*Bien peu*," he answers. No systematic attempt was made during this half-century either to establish a solid *problématique* or to find a method capable of providing an answer to the problems raised, and epistemology remains much the same as it was before the Thomist renaissance. Kleutgen apart, the nineteenth-century authors are classed as dogmatists; their philosophy is "good sense"; the critical problem consists in finding a guarantee for all our certitudes; and the incoherence of scepticism leads to the assertion that all our means of knowing are infallible, while the same evidence prompts all our convictions. Unlike his contemporaries, Kleutgen is anxious to justify incontestable certainties and to establish a hierarchy between them. In this respect he is a pioneer of "rational dogmatism", a dogmatism differing from

the original type in that it introduces a reflexion on the nature of the critical problem and singles out some means of knowing and some evident truths as privileged. Chapter Two deals with the discussion of the old dogmatism, inaugurated by Mgr Mercier in 1885, continued by his disciples, and enriched by the contributions of the first professors at the Institut Catholique de Paris, Domet de Vorges, Peillaube, and Farges. Thus in the years 1885-1914 we find a new outlook, sometimes openly adverse to the old dogmatism, but more often attempting to compromise with it. As a result of these thirty years of debate it is generally admitted that an attitude of complete sincerity is requisite in setting the critical problem, that one must "abstain" from all prejudice about the value of our cognitive faculties or our aptitude for truth. This abstention, some think, may be called a real, universal doubt, a doubt which is methodical, provided it is negative and useful. This initial doubt does not bear on the existence of certitude, but on its ground, its legitimacy or its value: "truth" is its object. Only a spiritual reflexion can resolve it, and hence the critique of knowledge is a reflective undertaking whose purpose is to justify or bring to light the truth of our cognitions and at the same time to determine the nature of truth. But if we find a growing agreement among Neo-thomist philosophers about the manner of setting the critical problem, we also note a growth of disagreement as to how it can be solved.

Van Riet next tries to show how Thomist epistemology was enriched by contemporary discussion at the dawn of the twentieth century, when its supporters were confronted by the new philosophies of intuition (Bergson, Le Roy) and action (Blondel, A. Balfour, W. James, the Franciscan Neo-scholastics, and the disciples of Newman). He devotes articles to Ambrose Gardeil and the philosophy of action; to Blondel's influence on Maréchal and Rousselot; to Tonquedec's reaction to *blondelism*, and finally to the response of Garrigou-Lagrange and Maritain to Bergson. The author arrives at the conclusion that contact with these new philosophies led to a considerable simplification of the old *problématique*. The old topics of discussion: error, scepticism, doubt, and even the definition of truth, have ceased to claim the attention of our epistemologists,

who are preoccupied rather with the objectivity of ideas. This change of perspective is strengthened by two new critical methods, the metaphysical and the transcendental. To justify the value of our knowledge is, in these methods, to "explain" our human mode of cognition, to seek the conditions of its possibility. The question of the objectivity of ideas is interpreted in two different ways, just as in the earlier periods, that is, as concerned with a "metaphysical world" of possible essences, or with a "physical world" of existent realities. Only Fr de Tonquedec adopts the latter interpretation and grounds the objectivity of ideas on that of sensations. The "metaphysical" value of ideas, which forms the central point of the debate with Blondel, Bergson and Kant, is justified in three different ways. Garrigou-Lagrange and Maritain return to the solution proposed in the nineteenth century: the mind recognizes that the idea is objective the moment it reflects. Gardeil, after 1909, shows the dependence of our intellectual knowledge on an absolute norm, while Maréchal, Rousselot, and until 1909 Gardeil too, appeal to an intellectual dynamism. It is a remarkable fact that whatever interpretation they give to the objectivity of ideas, all the authors except Garrigou-Lagrange take care to distinguish in the judgement between the synthesis of concepts and the act of affirmation or of assent, and it is in the latter that they see the means of assuring the objective value of our knowledge.

After 1920 the two interpretations of the objective value of ideas give rise to two clearly divergent orientations. The first of these is new. Formerly existence had been considered as a fact devoid of metaphysical value; it was customary to say that the state of realization did not affect the essence apprehended in the concept, that it did not perfect the ideal or possible reality. But in the new current of thought the ideal is regarded as a representation, whereas actual and concrete existence is an absolute of the metaphysical order; the idea formed by the intellect is based on the existent given in a concrete intellectual intuition. In opposition to this new trend, several philosophers keep to the old tradition maintaining that intellectual intuition is essentially abstractive, and justifying the value of ideas by a reflexion on the nature of the intelligence. In either case, it is

admitted that sense-experience as such cannot guarantee the objectivity of ideas, so that the difference of opinion does not concern the relation between the sensible and the intelligible, but rather the respective value of the abstract intelligible and the concrete intelligible. Chapter Four deals then with Picard and Descoqs on the intuition of the self; with the controversy in Italy between Zamboni and Olgiati, and with Gardeil's account of the soul's intuition of itself. In a further article Van Riet examines the epistemologists like Roland-Gosselin, Boyer, and Romeyer, who, inspired by the text of the *De Veritate*, q. 1, a. 9, which became classical after 1924, put their hopes in the intellect's reflexion on its nature.

The period which opens in 1920 is dominated by the new conception that the existent real is to be fitted into the intelligible order. Most of the authors occupy themselves exclusively with the spiritual existent, but Noël and Romeyer affirm the intelligibility of the material existent also. In any case, the old antinomy between the fact and the ideal, or between experience and reason, is no longer one which concerns the relation between the sensible and the intelligible, but the relation between the concrete intelligible and the abstract intelligible. This antinomy can be formulated in several ways. Is the concrete existent an absolute value or a mere datum? Is the idea a representation of the concrete and void of meaning save with respect to the concrete, or has it a value in itself, independently of any recourse to experience? Has the intellect a power of concrete intuition or merely of abstract intuition? Is the object of metaphysics existent being or the idea of being? The partisans of concrete intuition choose the first member of each alternative, while the authors who appeal to the intellect's reflexion on its nature take the second.

Finally the indefatigable Van Riet turns to recent positions in epistemology, which he sorts into those which are adaptations of previous positions (Gilson, Gouhier, Jolivet, Verneaux, Wilpert, De Vries, and Santeler) and those defended by authors who have devoted themselves to the study of contemporary idealism and phenomenology (Forest, Söhngen, Rabeau and Brunner). In recent years the conflict between the two trends already mentioned above has been approaching

settlement. The authors who, in 1925, were partisans of abstractive intuition, and who justify the objectivity of ideas along the *De Veritate* line, become aware in 1930 that a further problem arises. Even if we begin by declaring that Philosophy cannot have the concept for its ultimate object, we shall end with a Philosophy of the concept unless we carry our research beyond the essence to the act of existing. But actual existence, unlike essence, cannot be apprehended by the abstractive intellect; it is an inexhaustible richness which must be lived or experienced. Epistemology therefore must tend to reconcile abstractive intuition with concrete intuition. Two different factors have encouraged authors to attempt this reconciliation. Some, more concerned with events in the Thomist camp, have reflected on its two opposed currents, while others, more interested in the new philosophies, have been struck by a similar contrast in that field between Idealism and Husserlian phenomenology, which deliberately turn from contingent existence, and existentialism which claims that it is impossible to escape from it.

Most of the recent writers have grounded the abstract on the concrete; the concrete is the actual existent and the abstract a representation of it, a meaning, a value, not of the same order as the existent, but belonging to the intentional world. The judgement too, like the concept, is of the intentional order, but its truth derives from its agreement with the existent real. Thus the old ideal world of the "metaphysical" order is eliminated, and we are left with the logical world and the physical world. From this new point of view, the chief problem concerns the relation of these two worlds, and the answers of Thomist philosophers vary. However, the new perspective has altered the conception of the critique of knowledge. A partisan of abstractive intuition sets out in the Critique to show the absolute value of first principles and to justify the existence of the subject and of things through them. For a man who refuses to acknowledge an ideal world with any ontological status of its own, and who admits the value of experience at once, the Critique consists in establishing the value of abstractive knowledge on experience. In recent years the new current which appeared in 1920 has swept on, and under the influence

of existential phenomenology and Gilson's views on mediaeval realism, an intuition of "the-self-in-the-world" has been admitted, so that now man is situated in the universe, and knowledge in man. The Critique does not now "start" from knowledge to regain the real subject and existing things, but rather "starting" from the real world, it shows the nature of the bonds which unite the mind to things. This reversal of method may explain why several Thomists persist in affirming that metaphysics is independent of epistemology and refuse to dissociate, as two heterogeneous disciplines, the study of the value of knowledge and the study of its psychological origin.

The conclusions of M. Van Riet, coming from one who has devoted such labour to the minute scrutiny of the data, deserve the close attention of all who are interested in these matters. What is Thomist Epistemology? Surely a philosophical discipline, but the conflict between the old nineteenth-century dogmatism and the rational dogmatism of Mercier testifies to the difficulty which some authors have experienced in allowing their epistemology to be philosophical with all that that involves. It involves, among other things, freeing epistemology from historical contingencies, and the excessive dependence of Thomist epistemologies on such factors has compromised their philosophical character right from the start. On the one hand, our authors have tended to seek their problems in Non-thomist philosophies, as if their sole objective were to refute them. But if epistemological problems are characterized by their historical origin alone, their true nature and meaning will never be understood. There is, for example, a "Kantian problem". But for the nineteenth century, Kant was a sceptic and a subjectivist; for Mercier, he was a positivist into the bargain; for Maréchal, he was almost a Thomist who misunderstood the dynamism of the intellect; for Olgiati, he is a phenomenalist; with Jolivet, he becomes a nominalist! If Thomist epistemology is to be a philosophical discipline it must give up being a mere refutation of errors and become constructive, solving problems it has set itself. On the other hand, the attention of the Thomist epistemologist cannot be exclusively devoted to what St Thomas said or did not say, for he never even conceived of a systematic epistemology. His

texts cannot therefore be called upon to furnish either the questions or the answers which epistemology has the task of formulating.

Whatever the research which we are considering has been called in the course of time, it has always had as its purpose the establishment of the conditions, value and limits of human knowledge. But history invites us to make an important distinction between knowledge in general and different sorts of knowledge, for the problems raised by these two subjects differ considerably. The basic question, which characterizes epistemology by providing it with its own formal object, is: Has knowledge value? The trouble with this question is that it is not sufficiently precise to be solved, as can be seen from the different ways in which it has been stated and the different answers which have been given to it. The study of knowledge in general has given rise to the problems of scepticism, of doubt and of error, and after a hundred years of reflexions these are still to be found in the foreground. Van Riet asks whether it is not desirable that these problems should be reduced to proportions more in accordance with their real interest, and that epistemology should be introduced by a description of our interior life, for in this way knowledge would be allotted its place with respect to our other psychological activities, and its own peculiar nature and psychological constituents brought to light. Subsequently one might raise in a completely sincere manner the question of the value of knowledge.

The meaning of the basic critical problem is too vague, but it may be specified with reference to the duality of subject and object. What is the respective function of subject and object in knowledge? If, as seems likely, knowledge is both activity and passivity, measuring things and measured by them, how must we conceive perfect knowledge, or in other words, which of the two aspects has the greater "value"? Now we cannot define the value of knowledge *a priori*, nor on the other hand can we grasp, one without the other, the subject or the object; "in" our consciousness we never find a pure cognitive subject, nor, "outside" our consciousness, an object not yet apprehended. It is therefore in the knowledge of an object that we must try to discern and appreciate the function

of the subject and the object. This might seem a chimerical enterprise, did not our knowledge pass through several phases, vitally united but still discernible: experience, concept, judgement and reasoning. These different phases offer different features, but the one which interests us most here is the passivity of the subject in experience which contrasts with its activity in conceptualization, judgement and reasoning. Hence to determine the value of the different elements of knowledge we should ask what is the respective value of these phases.

We are thus given a solid *problématique*, with the help of which we can group the chief positions adopted in the contemporary Thomist school. There is, in the first place, a group of authors who regard *constatation* as the element of value in our knowledge. The experience which forms the starting point of our cognitive life is all-important. The datum is the absolute to which knowledge must relate in order to be "true"; the datum is the measure and criterion of the true. To know is above all *constater*. Knowledge is perfect if the object is immediately present to the knowing subject, seen without any intermediary, without intervention of any kind. Among these authors there are differences of opinion as to whether the datum belongs to the sensible order, to the sensitive-intellectual order, or to the purely spiritual order. They minimize the function of the concept and the judgement, and do not regard the latter as increasing the value of the experience or the concept. A much larger group, on the other hand, claim that *compréhension* is the characteristic feature of human knowledge. To know is *comprendre*. We comprehend when we conceive, when we judge and when we affirm. Among these some pay more attention to the concept, others to the judgement, but for the most part the distinction between these two essential acts of the intellect is not stressed, and no appreciable difference appears to be seen between a simple concept and a synthesis of concepts, between intellectual apprehension and the vision of the necessary link which unites the terms of an ideal judgement. It is difficult therefore to classify these authors with any exactness.

It is clear however that our *problématique* is still not sufficiently precise, for Thomists do not agree in their appreciation

of the respective value of the phases of knowledge. This might be avoided, suggests M. Van Riet, if we specified the object of epistemological research more accurately. For the analysis of consciousness shows that there are diverse aspects in experience and different sorts of concepts and judgements; at the very least we should distinguish between two irreducible orders of knowledge, metaphysical and positive. General Epistemology might then study the respective value of the essential phases of these two orders, while Special Epistemology would establish the value of the stages proper to each science and each branch of philosophy. In General Epistemology therefore it will not do to ask simply whether knowledge in general has value or is "true", for the question of truth is complex and to give it meaning it must be specified with the help of an analysis of consciousness.

What of the method by which these problems will be solved? We find three different ones used either separately or together. The most commonly used, which might be called "descriptive", begins by describing the cognitive phenomenon as it presents itself to consciousness. This is indispensable though arduous. The second stage in the descriptive method is an appreciation of the different forms of knowledge which have been discerned, and it requires the discovery of a norm or ideal of knowledge, the definition of the essence of knowledge, and the judgement of the different forms according as they approximate to or fall away from the norm. This critical part of the descriptive method is lacking in several nineteenth-century authors, who set all cognitions on the same footing, all enjoying the evidence which suffices to guarantee them. As a rule, however, some particular cognition has been chosen as a norm, sometimes sensation, sometimes self-knowledge, and sometimes the grasp of first principles.

The metaphysical method starts from a principle opposed to that of the descriptive method. It is supposed to guarantee our knowledge by interpreting it in the light of Thomist metaphysics. The critical stage would justify objective evidence; knowledge would be secured by being situated in an *ensemble*, the coherence and harmony of which would be its chief guarantees. In the author's view the ontology of knowledge

has no properly critical value, and the metaphysical and transcendental methods both presuppose the descriptive, which is prior to them by right. One must begin by describing knowledge and by appreciating the relative value of the essential phases included in our different forms of knowledge. If the results obtained by this method appear insufficient, we can improve on them by recourse to the two other methods.

Finally, is Epistemology a distinct discipline, and if so, what is its place in a systematic philosophy? It has been in its time a part of Logic, an appendix to psychology, an integral part of metaphysics. Van Riet believes that it is a distinct discipline, for it has its own formal object: it studies our cognitive acts from the point of view of their value. As he understands it (and his view incidentally is the prevailing Louvain view) Epistemology includes two essential parts, a description and a critique. If our philosophy is to be systematic, it must start with a general description of knowledge and the basic forms it takes on in order that we may distinguish knowledge from other psychical activities and distinguish between philosophical knowledge or metaphysics and scientific or positive knowledge; thus the meaning of the study we are undertaking is brought out. On the threshold of metaphysics there should be a critique of metaphysical experience, concepts and judgements; through this we become aware of the absolute value of the affirmation of being and this affirmation becomes the norm of knowledge. On the entry to the different branches of special metaphysics we should describe the proper object of these disciplines and establish the value of the knowledge which we have of it; in other words we must compare the experience, the concepts, and the judgements which enter in, with the three essential moments of the knowledge of being. The same work is requisite with regard to the positive sciences. Thus Epistemology is a distinct discipline, but apart from the general analysis of knowledge which opens philosophy, its problems should be conceived as an introduction to the various branches of philosophy and the sciences.

It is no doubt too much to hope that M. Van Riet's proposed remedies will meet with general acceptance on the part of contemporary Thomists. Yet all who have the construction

of a systematic Thomism at heart will be grateful to him for his efforts to find his way through the *dédale des opinions et des systèmes* and thus reveal clearly the points on which agreement has been reached and the manner in which some of the remaining obstacles to agreement might be removed.

LEO McREAVY

HERALDS OF THE SECOND SPRING

II. AMBROSE PHILLIPPS

THE position of Ambrose Phillipps in the Catholic revival of the eighteen-thirties and forties is quite unique. This extremely young man, who became a Catholic while he was still a schoolboy, although he had no sort of Catholic connections previously, attained an extraordinary personal influence both among the older Catholics in England and even in Rome, although he held no responsible status. He was not even a rich man who might have been able to carry out himself the bold projects which he induced others to undertake. His great vitality and persuasiveness went with a gentleness and humility which contrast strongly with the inspired self-confidence and the consuming energy of his friend, Augustus Welby Pugin. Nor was he, like Pugin, a young man of genius who wore himself out with mental and physical exertions during a short life. Born in 1809, Ambrose Phillipps¹ had lived to be almost seventy when he died as a venerable figure in 1878. But his active years were comprised within two decades before the restoration of the Hierarchy.

The lack of priests and the absence of episcopal control before the Hierarchy gave almost unlimited scope to any zealous young layman who was in a position to command important social influences, and who possessed even the modest

¹ He assumed the name de Lisle after his father's death, and is now usually spoken of as Ambrose Phillipps de Lisle.

personal resources that Ambrose Phillipps had inherited as the son of a leading landowner in Leicestershire. His father, Charles March Phillipps, owned two considerable estates in the county, Garendon Park and Grace Dieu Manor. He was a Deputy Lieutenant for the county and had been its parliamentary representative as a Whig through three reigns; but the enormous expense of repeated elections, and the upkeep of his estates and the large establishment of indoor and outdoor servants whom he considered it necessary to employ, left little margin for any considerable allowance to his son. He was a devout churchman with High Church tendencies, and when he travelled abroad he constantly attended religious ceremonies in the principal Catholic churches. Two of his brothers were Anglican clergymen, one High Church and the other Low; and his wife's sister had married Dean Ryder of Bath and Wells, who became Bishop of Gloucester while Ambrose was a small boy.

Ambrose was brought up among these clerical influences, and his parents were pleased by his precocious interest in liturgical matters. Even as a child he constructed altars and religious emblems, and he once carried a crucifix round the village church, with his younger brother as acolyte, in the manner that he had seen during his visits to France. His Sundays were usually spent at the bishop's palace in Gloucester when he was first sent to a private school. But his only contact with any Catholic influence during his schooldays was when he was taught French by an old *émigré* priest, the abbé Giraud. The French priest answered his questions, when he asked whether Catholics were really idolators, and recommended him to read certain books, which corrected his views. But apart from his insatiable curiosity about religious questions, which led him to read more widely and stimulated his interest in Catholic worship and in Catholic churches when he was taken abroad for holidays, he received no encouragement from any Catholic source.

He made the acquaintance of the Catholic priest at Loughborough by going to ask him if he might see the vestments used in his chapel. They were anything but magnificent, but the boy's interest was aroused. He was still a schoolboy of

fifteen when he wrote to ask Father MacDonnell to meet him at the cottage of an old Irish woman so that he might receive instruction with a view to being received into the Catholic Church. The priest accepted his invitation but refused to receive him, though he was astonished to find how fully instructed he appeared to be already. After some months Father MacDonnell decided that he ought not to refuse, and young Ambrose was¹ accordingly received into the Church just before Christmas 1825, "in a poor Irish pavior's cottage outside Loughborough".

His parents were dismayed, and had to submit to his expulsion from the private school where he had been entrusted to the clergyman whom his uncle, Bishop Ryder, had recommended. He continued to live at home, preparing to enter one of the Universities. It was intended to send him to Oriel at Oxford, but there was no vacancy; and he thus missed what might have been the beginning of a close association with Newman who was then a young don there. He was sent instead to Trinity, Cambridge. The Tractarian Movement was still unthought of, at Oxford; and at Cambridge there was even less tendency towards any Catholic atmosphere. But at Cambridge at this time there was one senior student named Kenelm Digby whose pre-occupation with studies in chivalry had led to his becoming a Catholic. With him, young Phillipps made friends quickly; and as there was no Catholic church nearer to Cambridge in those days than St Edmund's College at Ware, they used to ride over there together from Cambridge every Sunday morning for Mass. These long rides were too much for young Ambrose's delicate constitution and he soon developed lung trouble which compelled him to leave Cambridge during his second year and go to Italy for sunshine.

The contacts which he formed in Rome were to have extraordinary results before long. They were strengthened, before he came of age in 1830, through his making the acquaintance of a young clergyman of ascetic tendencies who had been given a rectory on his father's large estates near Northampton. George Spencer was the youngest son of the Earl Spencer who had been Minister for the Navy in Pitt's war cabinet; and his

¹ *Life of Ambrose Phillipps de Lisle*, by E. S. Purcell, 2 vols., I, p. 14.

eldest brother Lord Althorp was already a distinguished figure in Parliament and was soon to become Chancellor of the Exchequer. George had taken holy orders, and had been alarming his family by adopting an extremely spartan way of life and devoting all his attention to ministering generously to the poor. Ambrose Phillipps met him and invited him to spend Christmas at Garendon Park, where it was agreed that they should have a full discussion of their respective religious convictions, with his uncle, Bishop Ryder (who had now been promoted to Lichfield), as arbiter. Spencer was some ten years older than Phillipps, and the young man was entirely unaided in the conference that he had arranged. But he prevailed so completely that George Spencer decided, when they left Garendon together after it, that he too must become a Catholic; and he resigned his extremely comfortable benefice there and then.

As a convert clergyman Spencer presented an extremely unusual problem at that time. Bishop Walsh sent him out to Rome, to study there in the English College, and find out whether he really meant to become a Catholic priest. Young Phillipps soon followed him, and before long Kenelm Digby also joined them. There they discovered another convert clergyman, old Sir Harry Trelawney of Cornwall, who was in Rome preparing for ordination at the end of his days. And through them, by an almost ridiculous accident, Ambrose Phillipps became acquainted with an Italian priest, Father Dominic Barberi, who had joined the recently founded Passionist Congregation, and had since his boyhood been inspired by an apparently fantastic dream that his life was to be spent as a missionary in England.

The English College itself had only been reopened since 1818, after being derelict for more than twenty years of the revolutionary and Napoleonic wars. Among the first students on its revival was young Nicholas Wiseman, who soon revealed his remarkable gifts and had by 1830 become Rector of the College. Wiseman was some seven years older than Phillipps, but he was four years younger than Spencer, whom he had to fit into the quite unsuitable routine of a seminary for very young men. His own career as a professor of oriental languages

and a Roman diplomat was developing rapidly; and he listened with as much surprise as everyone else to the hopes of a Catholic revival in England which these young convert Englishmen were constantly discussing in Rome. But while the English College regarded their schemes with a polite scepticism, they fired the imagination not only of the Passionist Father Dominic Barberi but of Father Rosmini, who had lately founded the Institute of Charity. He had recently admitted among his young priests a brilliant Roman lawyer named Gentili, who had entered the priesthood with a late vocation.

One result of these conversations was that Father Gentili actually went to England before long at the invitation of Bishop Baines of the Western District, to open a mission at Trelawney Castle, on old Sir Harry Trelawney's estate. But before that time Ambrose Phillipps had gone back to Leicestershire, and he soon married into the narrow circle of the old Catholic aristocracy. His young wife was the niece of Lord Clifford, who was a frequent visitor to Rome. Through his marriage Phillipps soon became acquainted with the Earl of Shrewsbury, who had recently inherited his uncle's title and the vast mansion of Alton Towers in Staffordshire. Shrewsbury was a fastidious and cultivated nobleman with a strongly religious sense; but at this stage he was chiefly occupied with the reconstruction of Alton Towers. He had inherited great wealth; but the estate and its enormous pleasure grounds and gardens absorbed nearly all his large income. Moreover, he was determined to make Alton Towers a magnificent show-piece in the neo-Gothic style; and by good fortune he had discovered a young architect of genius, named Augustus Welby Pugin, who was already recognized as the most skilful and knowledgeable exponent of the Gothic revival.

With his hospitable and generous disposition, Shrewsbury befriended the young convert from Leicestershire who had married Lord Clifford's niece. Through him Phillipps became acquainted with the young Pugin, who had been entrusted with the transformation of Alton Towers. Very soon Pugin himself became a Catholic also, though under influences quite different from those which had drawn Phillipps towards the

Church. Pugin had been immersed in his study of the mediaeval Gothic cathedrals, particularly at Salisbury, where he had made his home when he first married before he had come of age. His studies revealed to him how completely the original purpose and character of the mediaeval churches had been neglected and desecrated, and he was soon in furious revolt against the Established Church. The transition to acceptance of the Catholic faith followed quickly; and when he and Phillipps met they were both in a state of enthusiastic excitement over the prospect of reviving the Catholic tradition of England before the Reformation.

Phillipps had been given the use of Grace Dieu when he married, and he soon conceived the idea of building a monastery on his own estates, which was to be the first monastery erected in England since the Reformation. Pugin responded at once to his enthusiasm, and was impatient to show what could be done for religious buildings by an architect who understood Gothic principles and shared the faith of the middle ages. Lord Shrewsbury had not previously considered the question of building Catholic churches, beyond requiring Pugin to design a worthy Gothic chapel for Alton Towers. But he, too, caught the enthusiasm of his young friends, and he was willing to give them financial help within the modest limits he could afford. As a practical Englishman, however, he could see no sense in the idea of establishing a Cistercian monastery in the remoteness of Charnwood Forest, which was what Phillipps now proposed. He besought the young man to build something that would be of more practical use and in some more accessible place.

But Phillipps refused to be overborne, and he soon obtained the co-operation of a few monks from France who undertook to live under the most primitive conditions on the lands which Phillipps offered to them while plans for building a monastery were being prepared. In vain did Shrewsbury urge that some community of teaching brothers would be of greater service. He even undertook himself to establish in the village of Alton, beside his own palatial home, a group of buildings that would provide a rest house for invalid priests, an almshouse and a school, in the best mediaeval tradition. Pugin was commissioned

to prepare the designs and the beautiful little church at Alton was soon built. And when Phillipps remained deaf to all remonstrances against his project for the monastery, Lord Shrewsbury at last acquiesced, and even provided most of the funds that were needed for the monastic buildings. He made the gift deliberately as a token of his esteem for the pious intentions and efforts of his young friend.

In that way, while he was still in his middle twenties, Ambrose Phillipps had not only succeeded in erecting the first English monastery to be built since the Reformation. He had inspired the "good Earl John" with an unexpected enthusiasm for church building in the mediaeval style. Lord Shrewsbury had discovered the main interest of his life from that time forward, in the desire to transform the whole character of Catholic worship in England. He set himself to give the sacred objects and ornaments and vestments of the liturgy a beauty and dignity worthy of their purpose. Hitherto the small Catholic chapels, which had been gradually arising in the growing towns and cities, were miserably inadequate and mean buildings, which were deliberately unpretentious and unimaginative. The genius of Pugin was now at his disposal, whether for designing buildings which he knew how to build with sound workmanship but at incredibly small expense, or for the complete decoration and furnishing of existing buildings in the traditional mediaeval style. And with his own exalted social position, as the Premier Earl of England and the acknowledged leader of the Catholic laity, he was able to set an example which was followed everywhere.

Meanwhile Ambrose Phillipps became more ambitious as the success of his Trappist monastery became evident. He built a large private chapel at Grace Dieu and then planned a group of small Gothic churches for the scattered villages around his estate. Pugin's designs were so economical, although so complete in all their Gothic arrangements, that funds were somehow forthcoming. Frequently they had to be borrowed from Bishop Walsh, against a complicated series of guarantees and promises to pay interest on the necessary loans. Bishop Walsh was the most enterprising and the most responsive of the Vicars Apostolic and he was incapable of

financial prudence. He found such an increase of Catholic population in the growing cities and towns of the Midlands that there was no limit to what he was prepared to undertake if help were offered. He was soon busy with plans for rebuilding Oscott, to make it the most important Catholic seminary and college in England. Pugin, as usual, was placed in charge of the designs. Before long there was a still bolder scheme for building a big church in Birmingham which was to be the first Catholic cathedral built in England since the Reformation. For that also Pugin was employed as architect, and by 1839 Lord Shrewsbury had provided a modest endowment to appoint Pugin as professor of Ecclesiastical Art at Oscott.

Even by the end of the eighteen-thirties, Ambrose Phillipps had promoted other far-reaching enterprises, besides founding his own group of churches in Leicestershire and inspiring Lord Shrewsbury to become the chief patron and promoter of a Catholic revival. His contacts with the Italian missionary priests in Rome had led to other developments which had astonishing results. Rosmini had formed the highest opinion of him and they corresponded often. Father Gentili had already come to England to make the experiment of establishing a mission in the wilds of Cornwall, but that enterprise failed when old Sir Harry Trelawney died and the family contested his will. Bishop Baines had then invited him and his Italian colleagues to come and help him at Prior Park, but their success and their daring introduction of continental practices and public devotions had alarmed the Bishop and he removed them. Gentili was recalled to Italy, but Phillipps then prevailed upon Rosmini to let him return and take up work as his personal chaplain at Grace Dieu.

There was scarcely a less promising district in England for organizing a Catholic revival than in the scattered villages of Leicestershire. Phillipps had already imported a group of French monks to Charnwood, who could speak no English and by their vocation were precluded from active missionary work. His new project of importing an Italian priest to evangelize the villages seemed scarcely less unpractical, and Lord Shrewsbury again besought him to direct his energies into some more promising enterprise. Gentili at least had spent

some years at Prior Park and he could speak English fluently though with a strong foreign accent. But Phillipps was now set upon introducing the Italian Passionists as well.

He had never forgotten those days in Rome when he and George Spencer used to spend hours with the peasant priest Father Dominic Barberi, who was so convinced, in spite of all probabilities, that his own life's work lay in England. George Spencer had come back to England long since and had been working strenuously against great discouragement in West Bromwich and in the outskirts of Birmingham. To suggest that Italian missionaries could be more useful than Earl Spencer's son was so fantastic that Lord Shrewsbury went to great trouble to dissuade all concerned from letting them come.

I have seen Lord Clifford, Father Glover and the Passionist (Shrewsbury wrote¹ earnestly from Rome to his young friend in April 1839). The former agree with me, or rather I with them, that it is an impractical scheme to think of working with them in England. Father Glover said, "You will never get an Englishman into that Order, so what good can you do with them?" They came to me (Father Dominic and another) to ask if I knew anything about the matter, as they were ready to go and take possession of the House you were so good as to offer them. I said they could not eat the house, and I did not know who was to feed them otherwise. They replied they trusted Providence. Father Dominic spoke a little broken English, but could not understand a word of what I said to him. You will bring yourself and others into trouble with these good people and do no good. We must work in the large towns with large churches, in which we can influence people by the splendour, etc. of our Service.

But in the very same week the Passionists' General Chapter in Rome was passing its decree that a mission in England was to be undertaken at the first opportunity. Father Dominic had become one of their principal priests by this time; and it was his perseverance, and absolute conviction in his own missionary apostolate, that had carried the proposal from its first stages, when he proposed it at an earlier Chapter, up to its

¹ *Life of Phillipps*, I, p. 105.

fulfilment just when Lord Shrewsbury was doing his utmost to prevent it. Nor was Gentili more suitable in Lord Shrewsbury's view.

We are all against your Gentili scheme (he wrote urgently in the same letter of affectionate and kindly remonstrance). It is beginning at the wrong end. Besides which, Gentili is not suited for England. We must have a new race of zealous English missionaries, such as we are now bringing up at Oscott, under the good Bishop and Pugin. There must be, as you say, perambulating preachers—this is of the *utmost* consequence; but surely it is no use preaching among people whom you must leave without any means of practising their religion. If we had supernumeraries, this might be tried, but there is still so much to do where Catholicity has a footing, that I am sure we have no means as yet, for places where not even a Chapel can be built.

But Phillipps would not be discouraged. Within a short time after Gentili's arrival at Grace Dieu there were crowds coming in from the surrounding district to hear him preach in the churches or temporary rooms which Phillipps provided, and converts were soon numbered by hundreds. Gentili not only started public processions in honour of Our Lady, singing litanies as they went along. He wore his religious habit openly, as the Trappists also did in their grounds. There were protests at first, and he was pelted with mud. His effigy was burned on one occasion after being paraded through the streets, before it was finally thrown into the river.

But while Shrewsbury and his conservative friends regarded these proceedings with anxiety, and almost with disapproval, they had attracted attention in other directions where they made a very different impression. Young Mgr Wiseman had come to England on a tour of investigation when Bishop Baines invited him to assist in the abortive project of a Catholic University at Prior Park; and he had gone back to the English College in Rome a changed man. He had seen the rapid increase in Catholic numbers as a result of immigration from Ireland, and he had become aware of the surprising number of converts in different places. Before long he had become aware also of

the Tractarian Movement, which spread through the Church of England with startling rapidity under the influence of Newman's "Tracts for the Times". He began to write long articles in the *Dublin Review*, which he had agreed to edit, in which he dealt with various aspects of the controversies on which they were engaged. And when he left Rome for good at the end of 1840, and took up his duties as president of Oscott and coadjutor to old Bishop Walsh in the Midland District, he found that young Mr Phillipps was almost alone among the prominent Catholics in England in sharing his deep sympathy for the Oxford Movement.

Phillipps had discovered some of the earlier Tracts before the series had become widely read, and he had at once discerned the possibilities of a widespread Romeward movement. His enthusiastic temperament made him believe that within his own lifetime he would see the whole Church of England brought back into union with Rome, if only the Oxford men were given friendship and encouragement. Even before Wiseman's return to England he had begun to seek acquaintance with the leaders of the movement; and he soon met one of the most influential of them. The Rev. J. R. Bloxam had been Newman's unpaid curate at Littlemore, and was their chief expert on ritual and ecclesiastical antiquities. He had rashly visited Alton Towers and even attended Mass there in Lord Shrewsbury's private chapel. Rumours spread, and the Bishop of Oxford demanded an explanation and strict promises that no such indiscretions would be repeated. So Bloxam left Littlemore soon afterwards for a small rectory in Sussex, but he went before long to visit¹ the Trappist monastery which Phillipps had founded, and in that way they soon became close friends.

Such direct contacts with Oxford were just what Wiseman sought when he arrived at Oscott, believing that he was himself to be the intermediary for hastening the conversion of the leading Tractarians. But his hopes were soon dashed by finding that the old Catholics regarded the Oxford Movement with deep repugnance, and believed that the Tractarians were merely trying to satisfy their desire for Catholic practices and

¹ *Newman and Bloxam*, by R. H. Middleton, p. 101.

doctrines by a compromise which left them undisturbed in their benefices. No less discouraging was the stern refusal of Newman to allow any fraternizing between his disciples and the few Catholics who desired to encourage the "Oxford Men". Phillipps alone had gained their confidence to any extent; and about the time when Newman's Tract Ninety was publicly condemned by the University, Phillipps succeeded in paying a formal visit there. He brought Father Gentili with him, wearing his religious garb, which impressed them deeply. They, too, were enormously impressed by so many signs of a revival of Catholic doctrines and liturgy.

So much did Wiseman come to rely upon Ambrose Phillipps that it was to him he wrote one of the most famous and revealing letters of those exciting years. Phillipps had conceived a greatly exaggerated notion of the influence of the Tractarians within the Established Church; and he had even come to agree with them in thinking that it would be better to delay individual conversions, which were becoming frequent, in order to let the Tractarian leaven work within the Church of England as a whole. He even got Wiseman to forward a memorial to Rome which stressed the vast possibilities that would arise from a return not only of England but of the whole British Empire to the Catholic faith, if the reunion could be successfully negotiated. And though Wiseman never shared that attitude for a moment, yet he did write to Phillipps a letter¹ which shows how profoundly he had been stirred by the earnestness and piety of the Oxford men.

Let us have an influx of new blood; let us have but even a small number of such men as write in the Tracts, so imbued with the spirit of the early Church, so desirous to revive the image of the ancient Fathers—men who have learnt to teach from St Augustine, to preach from St Chrysostom, and to feel from St Bernard, let even a few such men with the high clerical feeling which I believe them to possess, enter fully into the spirit of the Catholic religion and we shall be speedily reformed and England quickly converted. I am ready to acknowledge that, in all things, except the happiness of possessing the truth, and being in communion with God's true Church, and enjoying

¹ *Life of Wiseman*, by Wilfrid Ward, I, p. 385.

the advantage and blessings that flow thence, we are their inferiors. It is not to you I say this for the first time. I have long said it to those about me—that if the Oxford Divines entered the Church we must be ready to fall into the shade and take up our position in the background. I will gladly say to them *Me oportet minui*. I will willingly yield to them place and honour, if God's good service require it. I will be a co-operator under the greater zeal and learning and abilities of a new leader.

Still Newman held aloof; and it was for Ambrose Phillipps also, in spite of his youth and his apparent lack of any responsible status, that Newman, in another famous letter, defined his own position during those years. He had declined to meet even Phillipps so long as he thought there was any question of entering into negotiations or consultations, in which he considered that he did not possess the authority to participate. He insisted again that one of the chief stumbling-blocks for him and his friends was that the English Catholics were all apparently concerned to pull down the Church of England, or to undermine the faith of its loyal adherents, even if they were unable to find another faith to replace it. Through Bloxam he sent a letter¹ for Phillipps to read which contained the memorable sentences:

If they want to convert England, let them go barefooted into our manufacturing towns, let them preach to the people like St Francis Xavier, let them be pelted and trampled on, and I will own that they can do what we cannot. I will co-fess they are our betters far.

More than any other man in England young Ambrose Phillipps was at that time in a position to supply the convincing answer, which in fact led to Newman's eventual submission to the Italian Passionist Father Dominic Barberi. Newman, in his seclusion at Littlemore, heard before long of the brave missions of Father Gentili in the villages around Loughborough, and of Father Dominic's still more valiant and lonely missions in the towns of the Staffordshire Potteries. Through his disciple Dalgairns he had even been sending messages of the discreetest

¹ *Newman and Bloxam*, p. 119.

kind to tell Father Dominic that he asked his prayers. It was Phillipps who had not only suggested in Rome that both the Passionists and the Rosminians should undertake these apparently hopeless missions in England. It was he who provided the necessary minimum of assistance that encouraged them to make the attempt, even when the more authoritative spokesmen of the English Catholics had regarded it as a dangerous folly.

When Newman finally made his submission to Father Dominic in 1845, and a crowd of earnest and highly cultivated and influential converts followed his example, the main part of Phillipps's work for the Church had been accomplished. Thereafter his influence declined, because there was by that time a large accession of young and gifted men on the Catholic side, who were able to develop the revival on the lines that he had first opened as a pioneer. The succeeding years were for him almost an anticlimax, even before the restoration of the Hierarchy. The dreams of a revival of "Christian Art", which he and Pugin had so completely identified with the Gothic tradition, began to fade quickly with the introduction of continental practices, and particularly with the Romanizing influence of Newman's Oratorians. Lord Shrewsbury had almost ceased to live in England after the marriage of his two daughters to Italian noblemen, and he was spending most of each year in Italy, thereby economizing enough income to provide for a modest endowment of church building from year to year. And in 1852 Shrewsbury died suddenly near Naples.

He had foreseen the probability that the Catholic succession of his title and estates would soon be broken, owing to the frail health of his nephew who was to succeed him. So he left a will under which, in that eventuality, his whole estates should be divided between Phillipps and his friend Scott Murray, who had been another of his chief allies in church building. Two years later the last Catholic Earl of Shrewsbury followed him to the grave, and there ensued one of the most famous lawsuits of Victorian times. It resulted in the estates and title passing back into Protestant hands, after incurring enormous legal expenses which left Phillipps only a small fraction of what he might have inherited. He lived on for over twenty years more

until his death in 1878, still concentrating his whole energies on the affairs of the Church in England, but saddened by disappointment when his Association for the Promotion of Christian Unity was condemned in Rome. He had become an intimate friend of Gladstone, and he lived largely in the past.

But his benevolence to Catholic enterprises had been so great that he contrived somehow to spend the whole income of three lives out of an estate which had been strictly entailed. The works that he had started in his youth had grown immeasurably. The Trappist monastery in Charnwood had become the first of many monasteries and contemplative convents. His alliance with Pugin had led to a transformation of Catholic liturgy, architecture and church decoration from the meanest state in his youth to the splendour of a real renaissance. And the Italian missionaries whom he had brought to England had not only founded houses which continued to expand and multiply. They had gained a footing in England which was already converting them into religious congregations entirely adapted to the conditions of their time and country.

DENIS GWYNN

NOTES ON RECENT WORK

POLITICS AND ECONOMICS

THE year 1848 was a year of revolutions—revolutions in all parts of Europe, in France, Sicily, Germany, Naples, Northern Italy and Austria. It was a decisive year in history, and the men who made it so ranged from the pure visionaries to the calculating strategists of violent change. All of them, at least for a short time, tasted the sweets of victory. The reactionary politicians went into exile, and the exiled firebrands were exalted. Not least among these latter was Karl Marx, already banished from several European countries for his subversive writings. But on 1 March, 1848, he was invited

to Paris by the provisional government and in the warmest terms. "Tyranny banished you, but free France opens her doors to you and to all those who fight for the sacred cause of the brotherhood of nations." A few months later the *Communist Manifesto* was published in Paris.

The revolutions were the culmination of a spirit and of movements which had been current for many years, in fact since the Great Revolution. The Manifesto, too, was the culmination of the revolutionary thought of Marx and Engels which synthesized much that had gone before. Lenin eulogized Marx for his synthesis of classical German philosophy, classical English political economy, French socialism and general French revolutionary ideas. The first of these elements is predominantly Hegel and Feuerbach, whose views occupied Marx from 1836, when he entered the University of Berlin at the age of eighteen, until 1844 when he met Engels. Professor Grégoire in his work¹ (a handbook for students) on Hegel and Feuerbach traces to their source the master ideas of Marx. He devotes a great deal of space, as one would expect from an Hegelian scholar, to the dialectical process, showing how it influenced Marx. However, the transition from a "left" Hegelian idealism to the later definitive realism was accomplished by the publication in 1840 of *The Essence of Christianity* by Feuerbach. In the following year Marx apostrophized theologians and speculative philosophers in these terms: "If you want to arrive at things as they are, that is at truth, free yourselves from metaphysical ideas and prejudices. There is no other way of arriving at freedom and truth except through Feuerbach. The fiery torrent (a play on the name of Feuerbach) is the purgatory of today." Nevertheless Marx criticized him for being too theoretical and not sufficient of a materialist; and from this he went on to evolve the materialist interpretation of history.

The Communist Manifesto was drawn up by Marx and Engels at the request of the Communist League (an international secret society), meeting in London late in 1847. The object of the League was "to overthrow the bourgeoisie, founded

¹*Aux sources de la pensée de Marx: Hegel, Feuerbach.* (Editions de l'Institut Supérieur de Philosophie, Louvain. N.p.)

on class war, and to establish a new classless and propertyless society". There is no doubt that the Manifesto still represents the fundamental charter of Communism. Yet it has ever been in contradiction to the facts. A new biography of Marx, *The Red Prussian*,¹ makes it clear that Marx was a professional revolutionary who at heart believed in property—*his* property—and, in a decadent aristocratic way, despised the masses. The very defects of this book are the ones which are supplied by Professor Grégoire's scholarly work. Dr Schwarzschild plays down the philosophical angle too much, although his demolition of the theory of surplus value is deadly. On the other hand he certainly continues the debunking process which was so well begun by Professor Carr in his work on Marx which bore the revealing subtitle of "An Essay in Fanaticism". A very unpleasant type of fanatic too, with none of the milk of human kindness, nor any sympathy for the individual. As somebody has remarked, the only benevolent thing about Marx was his beard. He could endure no possibility of having his position as chief prophet of Communism challenged. Writers and thinkers, like Bakunin and Lassalle, who presumed to deviate in the slightest from his gospel were heaped with obloquy. (In this respect at least it would seem that Mr Vyshinsky is an orthodox Marxist.) To those who want to know the worst that can be said about Marx—the messianic myth has lingered too long—Dr Schwarzschild's book can be recommended with confidence.

Yet it is the element of myth in Communism which has attracted so many millions of great and mean intelligence. It can be nothing else, because most of Marx's prognostications have been wrong. Germany, in the early days of the Weimar republic, came nearest perhaps to reproducing the ideal elements in the historical process. But in Germany the Communists had no success—except when, for a short time, they joined forces with the National Socialist party in its early days. Only the vision remains, and that is why Mr Plamenatz's booklet² is useful. It is impossible for him in such small space to do justice to the link between the old Comintern (now

¹ By Leopold Schwarzschild. Hamish Hamilton. 16s.

² *What is Communism?* By John Plamenatz. National News-Letter. 6s.

Cominform) and the Party in Russia, but he does show what Communism is today, and the prophetic vision on which it was founded.

Much more weighty, and obviously much more biased, criticism is to be found in the life of Stalin by Trotsky¹ which has just been published. The dynamic in Communism is hatred, its expression violence; and the blood-red dust cover merely underlines the macabre story of the manuscript of this, Trotsky's last work. He was working on it when struck down by the hand of an assassin in Mexico, and it was bespattered with his blood. It has been finished, edited and competently translated by Charles Malamuth. In effect, apart from some scrappy notes covering the same ground as Trotsky's earlier *The Revolution Betrayed*, the story ends in 1923 with the death of Lenin and the assumption of power by Stalin. Some pages are devoted to showing that he was not bright when at school, and that already in his tender years he showed those traits of character that were to predominate throughout his life. The chief of these were a complete lack of idealism, and a cynical disbelief in the motives of others. It is apparent that Trotsky, the brilliant Ukrainian Jew, up to the day of his death could not understand how he was bested by the seemingly dull mediocre Georgian, whose native tongue even was not Russian. He can only fall back on accusations of "egoism and perfidy". That is his thesis, and the book sets out to sustain it. Naturally, he has no difficulty. Stalin may not have encompassed the death of Lenin by poison—the evidence is slight and allusive—but there are enough and to spare of other crimes of which he is manifestly guilty. Out of the mound of material that Trotsky provides, at times ill-classified and almost breathless, the future historian will be able to quarry much of value. The editing has been well done. There are a large number of illustrations, a forty page chronological guide, a short glossary of terms and a good index.

Trotsky, with Lenin, was responsible for bringing the Leviathan into being. Now he rails at the despotism which is its necessary outcome. He denounces the privileged bureaucracy, Stalin's dictatorship, the destruction and betrayal of the

¹ Edited and translated by Charles Malamuth. Hollis & Carter. 25s.

revolutionary tradition and of Bolshevism. He fails to see that this is not particularly Stalinist, that once the road of social democracy is forsaken there is nothing but the bleak wilderness of totalitarianism. He, Trotsky, equally with Lenin, deliberately chose the wilderness, and then could not stomach the jungle law, or perhaps more accurately could never get used to the fact that another than himself became the king of the jungle.

As Dr Gurian writes in the January issue of that excellent quarterly from the University of Notre Dame, *The Review of Politics*,¹ "Stalin's rise was the rise of a semi-educated man to whom Marxism simply gives the necessary formulas and classifications to justify his absolute power and the crushing of his enemies. . . . The semi-literate and ruthless activist, with stereotypes he endlessly repeats, is the dominant type of party man today. He regards himself as a kind of engineer who deals with human groups. Human beings are material, are parts of a machine. . . ." The latest account of these "engineers of humanity" is to be found in *Forced Labour in Soviet Russia*, by David J. Dallin and Boris I. Nikolaevsky.² The authors are Marxists, but anti-Stalin Marxists. Mr Dallin was an Opposition member of the Moscow Soviet from the November Revolution until he had to flee the country in 1922, while his co-author is a veteran of the Mensheviks. Theirs is no collection of wild impassioned denunciations, but a sober objective account of the consequences of the decision of the Communist Party Congress in 1927 to set up forced-labour camps. It is the more horrifying because of its coldly scientific nature, and in fact the mind of the Western European boggles at the bleak recital of misery, cruelty and degradation which is the lot of literally millions of souls in the U.S.S.R. Briefly it is an account of the development of these labour camps—first under the O.G.P.U., then under the N.K.V.D., now under the M.V.D.—of their fundamental place in the national economy, of the conditions of life in them, of the numbers in them (certainly not less than seven million and perhaps as high as fifteen million), and of their location. The resulting picture is one of

¹ Obtainable from Ducketts. Annual subscription 18s. 6d.

² Hollis & Carter. 25s.

brutality and inhumanity which, for its size and extent, is unparalleled in the history of mankind.

The system grew out of the belief that work camps would contribute more to the reformation of a criminal than would imprisonment. Later, with the first Five Year Plan in 1929, when the decision was made to continue simultaneously the collectivization of the peasants and the creation of great heavy industries, a labour force was already to hand. These camps fulfil a double role in the Soviet system. First, they provide an inexhaustible supply of cheap labour, thus effectively masking the cost (even in human lives) of the much heralded Soviet economic advances. The second is that the threat of being sent to one or other of these camps hangs over every citizen of the U.S.S.R., if they do not conform. There have been cases in the last decade of whole populations, the Volga Germans in 1941 and some Crimean Republics in 1946, being deported *en masse*. Any kind of breach of industrial discipline, from inefficiency to "sabotage", is punished by a period of forced labour, usually for ten years, which is longer than the survival span of all except the incredibly hardy. This story of what the authors call "the old slavery plus a new system of incentives, among which the strongest is to stay alive", is one more melancholy, and unchallengeable, proof of the fact that the only alternative to *homo homini Deus* is *homo homini lupus*.

The Russia whose economy is built on slave labour, which is ruled by a new caste while mouthing the pious Marxian formulas of classless society, and whose absolute ruler can say, as a latter-day manifestation of the Sun King, "I am Society", is a world power. Her foreign policy is of importance to every nation in the world. Hence the value of Mr Max Beloff's *The Foreign Policy of Soviet Russia*,¹ which covers the years 1929-1936. Let it be said at once that this scholarly and balanced account of Russia's dealings with the outside world is an invaluable book of reference. The emphasis and perspective are nearly always right, one reservation being that perhaps sufficient weight has not been given to the need felt for an ice-free port, with its consequent repercussions on

¹ Issued under the auspices of the Royal Institute of International Affairs. Oxford University Press. 15s.

relations with Turkey. During the period covered in this first volume Russia was weak, recruiting her strength, and so the policy was directed in the main to ensuring peace. Always she took the measure of her opponents, and would not push matters too far. Irresistibly one is reminded of Trotsky's description of Stalin, patient but relentless, content to retreat and then to wait, but once the weak spot is found to push the advantage to the limit, Mr Beloff provides no more commentary than is necessary to link together the quotations, statistics and (be it said) weighty footnotes. One hopes that the second volume, bringing the story down to the invasion of Russia by Germany, will make use of the documents found in the Nazi archives.

In 1748 Rousseau wrote his *Discourse on Inequality* in which he denied that the idea of progress had any validity. From this certainty came all his later writings, particularly *The Social Contract* which became the charter of the first great modern European revolution. One hundred years later came the *Communist Manifesto*, in its turn to be claimed as the charter of the Russian Revolution. The Manifesto propounded the view that all progress was material, material in its causes and material in its results. Will 1948 see a realization of the third and true position, that the only true progress is spiritual progress? Have we yet suffered enough? This is a question that only the historian of 2048 will be able to answer.

JOHN FITZSIMONS

QUESTIONS AND ANSWERS

REVALIDATION OF MARRIAGE INVALID THROUGH FEAR

Bertha ten years ago was, for financial reasons, forced by her parents into a marriage with Titius. The circumstances, which in my view constitute the canonical impediment *vis et metus*, are irrelevant, except that the facts which are admitted

by Bertha and her parents can be proved. The marriage, however, has turned out happily, and all the parties concerned are more than content. Is it now valid? (H.)

REPLY

Canon 1133, §1. Ad convalidandum matrimonium irritum ob impedimentum dirimens, requiritur ut cesset vel dispensetur impedimentum et consensum renovet saltem pars impeditenti conscia.

§2. Haec renovatio iure ecclesiastico requiritur ad validitatem, etiamsi initio utraque pars consensum praestiterit nec postea revocaverit.

Canon 1134. Renovatio consensus debet esse novus voluntatis actus in matrimonium quod constet ab initio nullum fuisse.

Canon 1135, §1. Si impedimentum sit publicum, consensus ab utraque parte renovandus est forma iure praescripta.

Instructio Austriaca, 4 May, 1855; Smith, *The Marriage Process in the United States* (1893), p. 407, and in other private collections. §93. Matrimonium, quod consensus fictus irritum reddit, consensu ab eo, qui fecte egerat, vere praestito convalidatum censeatur oportet. Idem obtinet de matrimonio, cui error seu vis metusque obsistit, quamprimum pars, quae errori aut violentiae iniustae suberat, recognito errore aut libertate plene recuperata verbo factove assensum suppleverit. Nihilominus ad omne de consensu praestito dubium excludendum his quoque in casibus consultum est, ut coniuges consensum coram paracho et duobus testibus renouent: igitur hoc ut fiat, agendum erit, nisi obversetur prudens scandalorum vel matrimonii in discrimen abducendi metus.

Propaganda. Instr. 1883, *Fontes*, n. 4901, §36. Circa impedimentum quod vis et metus, ante omnia advertendum occurrit, neminem a iure admitti ad matrimonium ex hoc capite impugnandum nisi qui violentiam et coactionem passus dicitur: reiici vero eum qui per longum tempus in matrimonio vixerit, dummodo libertas et opportunitas reclamandi non defuerit; ita ut si liber iam a metu sua sponte in coniugali domo perstiterit, matrimonialia officia non detrectaverit,

audiri amplius non debeat. Etenim qui liber a coactione metuve facultate et opportunitate reclamandi non utitur, censetur consentire, et ratificare quod antea invitus atque adverso animo fecerat.

1. A decision that canonical *vis et metus* exists should not be made too easily, since it is one of the most difficult points even for trained canonists to determine; if its existence is doubtful, the marriage is to be considered valid from canon 1014. Moreover, from every point of view, the parties in a case of this kind should be left in good faith pending an ecclesiastical decision on the validity of the marriage.¹

Assuming, however, that the impediment existed at the time of the contract, it is clear from the above question that the defect is public, as defined in canon 1037, namely capable of proof in the external forum. The conclusion is then inevitable that, under the law of the Code at least, the marriage requires revalidation² by the parties renewing consent publicly with the appropriate external form (canon 1135, §1); a positive ecclesiastical law (canon 1133, §2) which *pace* Cappello³ we think is binding even on baptized non-Catholics.

The matter should be referred to the Ordinary, as required by local law expressly in most English dioceses,⁴ who may either direct renewal of consent with the canonical form, whilst avoiding all unnecessary publicity, or obtain a *sanatio*, or decide that the parties had best be left in good faith.

2. *Fontes*, n. 4901, appears on the face of it to give a more reasonable solution for cases of this kind, where the initial fear has disappeared and the parties have apparently condoned any defect by cohabitation for a long period. The text, however, is chiefly concerned with denying a legal right to accuse such marriages of nullity, nor does it draw the distinction between cases which are public and those which are occult, as we have it in canon 1135. The sources of the canon are considerably anterior to the date of this document, which is not included in them.⁵

The necessity and mode of renewing consent, being a

¹ Prümmer, *Theol. Moralis*, III, §751.

² Heylen, *De Matrimonio*, p. 225.

³ *Ius Pontificum*, 1940, p. 26.

⁴ E.g. Northampton, *Statutes*, 1947, n. 103.

⁵ Cf. d'Annibale, *Theol. Moralis*, III, §484.

purely positive law, has varied at different times, and the pre-Code interpretation differed in various places. It must be observed also, that before 1908 in places where *Tametsi* was not promulgated, the canonical form being unnecessary for the validity of a normal marriage was equally unnecessary for a revalidation. Even in places where *Tametsi* was promulgated, a strict observance of the law as now codified in canons 1133-1135 was not always insisted upon. The *Instructio Austriaca*, an instruction on marriage law and procedure issued in 1855 by Cardinal Rauscher for the Austrian Empire, and sanctioned by five prominent Roman canonists, recommended that in revalidating a marriage invalid through fear consent should be renewed with the canonical form, but this precaution was not regarded as essential.

It seems to many that the remedy for the possible scandal arising from an excessive number of marriages being declared invalid through reverential grave fear is to modify the law, so as to admit of their automatic healing, without explicitly renewing consent, in cases where the fear has disappeared, after the lapse of a certain time during which the parties have lived together as husband and wife.¹

PRIVILEGED ALTAR

Could I obtain for a chapel of ease the grant of a privileged altar, notwithstanding the existence of one already in the parish church itself? (X.)

REPLY

Canon 916. Episcopi . . . possunt designare et declarare unum altare privilegiatum quotidianum perpetuum, dummodo aliud non habeatur, in suis ecclesiis . . . paroecialibus, quasi-paroecialibus, non autem in oratoriis publicis vel semi-publicis, nisi sint ecclesiae paroeciali unita seu eiusdem subsidiaria.

S.C. Indulg. 30 Jan. 1760, n. 219. 3. Poterit extendi privilegium ad eas dumtaxat filiales ecclesias, in quibus paro-

¹ Roberti in *Appollinaris*, 1940, p. 55, supporting in this respect the rather strongly worded criticisms of an anonymous writer, 1939, p. 376.

chus functiones vere parochiales exercet, ut sepelire mortuos, baptizare, SS^mum Eucharistiae Sacramentum ministrare in Paschate et similia.

26 March, 1760, n. 221.3. Ambabus (ecclesiis filialibus) concedendum esse privilegium, dummodo in ipsis extent sepulchra, et functiones proprie parochiales exercentur.

This privilege, which at one time was comparatively rare, was extended by Benedict XIII in 1724 to all parish churches, subject to the Ordinary designating the altar to receive it. Up to the Code Ordinaries received by indult this power of designating altars, but like many other similar concessions it is now, from canon 916, to be numbered among the ordinary faculties of bishops. The Code faculty does not use the word 'Ordinary', thus implying the faculty is not shared by the Vicar General but is personal to the bishop.

The former indults used to be given for seven years, and were generally renewed at the end of that period; in the Code faculty there is no time limit.

Quite a number of replies of the Congregation of Indulgences, given when the faculty was obtained by indult, have extended the meaning of 'parish church' so as to include other churches or oratories used by the faithful for the reception of some parochial sacrament or rite, the reason in every case being the desire of the Holy See that the parishioners should not be deprived of the privilege. Though these extensions were made before the promulgation of the Code, it is certain from canon 6 that they still continue; moreover they are contained within the concluding words of canon 916, and authors such as Beringer-Steinen¹ when explaining the Code faculty, take for granted that all the previous extensions are still in force.

COMPETENCE IN SUMMARY NULLITY PROCESS

A and B, both baptized non-Catholics, related in the third degree consanguinity, have their civil marriage divorced. B desires to marry a Catholic C. Is the Ordinary of C competent to declare the marriage of A and B invalid? (T.)

¹ *Les Indulgences*, §983.

REPLY

Canon 1964 . . . iudex competens est iudex loci in quo matrimonium celebratum est aut in quo pars conventa vel, si una sit acatholica, pars catholica domicilium vel quasi-domicilium habet. Cf. *Provida*, art. 1-12.

S. Off. 23 June, 1903; *Fontes*, n. 1266. Quando vero agitur de matrimonio mixto contrahendo cum haeretico separato per divortii sententiam tribunalis civilis ab haeretica, erit Episcopus domicilii partis catholicae, ad quem spectat iudicare an contrahentes gaudeant status libertate.

1. The summary process of canons 1990-1992 and *Provida*, art. 226-231, is substantially a judicial process, as the Code Commission, 6 December, 1943, has decided,¹ but it is a process in which the usual solemnities of an ecclesiastical marriage trial are omitted, since the proof of nullity is of a documentary character and the issue of the process is practically certain. Nevertheless, the essential must be observed, and amongst them is the principle of canon 201, §1: 'Potestas iurisdictionis potest in solos subditos exerceri'.

2. The judge as defined in canon 1964 is competent, and the view may be held that the rule barring non-Catholics from having their marriage causes determined by an ecclesiastical judge, except with permission from the Holy Office, does not apply to the summary process.²

Usually, however, it would be more desirable for the Ordinary of the Catholic party to decide a case such as the above, and notwithstanding Dr. Doheny's reluctance³ to admit this Ordinary's competence, the ruling of the Holy Office, *Fontes*, n. 1266, is in harmony with the law of the Code, and is accepted by many prominent canonists.⁴ His competence arises "ratione connexionis causae", since it is for this Ordinary to give a judgement on his subject's freedom to marry, and if free to grant a mixed marriage dispensation; he cannot do

¹ THE CLERGY REVIEW, 1944, XXIV, p. 567.

² THE CLERGY REVIEW, 1933, VI, p. 71.

³ *Canonical Procedure in Matrimonial Cases: Informal*, p. 150.

⁴ *Apollinaris*, 1936, IX, p. 617; *Jus Pontificium*, 1926, VI, p. 159; Beste, *Introductio*, p. 871.

this until he has made a decision about the marriage of A and B.

3. Some apply the same reasoning to a judgement which has to be given after a normal trial.¹ We think, however, that the rule requiring permission from the Holy Office would have to apply to a normal trial, and this is supported by a private reply to the Bishop of Berlin, 30 November, 1931,² directing that recourse must be had to the Holy See in each case.

TABERNACLE "CONOPAEUM"

May one tolerate the absence of the veil over a Tabernacle which is constructed of splendid material and richly adorned? Cardinal Vaughan is said to have directed that a veil was not required in these circumstances. (S.)

REPLY

Letters of Herbert Cardinal Vaughan to Lady Herbert of Lea, p. 185: Rome, 30 May, 1870, (8). A few rubrics will be useful to you which are from a high source—the *Casa di Missioni* where Ceremonial is professed. (a) There is no rubric prescribing a tabernacle veil where the tabernacle is very handsome: and rich and precious tabernacles are not so covered. Where the tabernacle is somewhat inferior it is covered.

S.R.C. 7 August, 1880, n. 3520. An Tabernaculum Sanctissimi Sacramenti argento, auro vel alis pretiosa materia confectum, eo ipso a generali obligatione illud tegendi Conopaeo sit immune? *Resp.* Servetur praescriptum Ritualis Romani.

One may say with complete assurance, at least since n. 3520, that a tabernacle containing the Blessed Sacrament must always be covered with a veil, as directed by the Roman Ritual, Tit. iv, cap. i. n. 6. The veil is a tent-like covering for the whole tabernacle, not merely a curtain on the door, which may only be tolerated when the tabernacle is so wrongly constructed that the correct *conopaeum* is impossible.³

¹ Wernz-Vidal, *Ius Canonicum*, V, §687.

² *Apollinaris*, 1934, p. 279.

³ Cf. THE CLERGY REVIEW, 1934, VIII, p. 407.

This was the law of the Ritual even at the time Cardinal Vaughan wrote from Rome. What he directed was based on a custom or interpretation, which was then fairly common, tolerating a departure from the rule. We find it sanctioned in some of the books current at the time, e.g. O'Kane notes, on the authority of De Herdt, that, in Belgium, the tabernacles are rarely covered with the *conopaeum*, and he gives his own opinion that it may be removed on the more solemn occasions if the priest so desires.¹

Since 1880 the view which Cardinal Vaughan recorded is no longer defended by any writer. In the *Directions for the Use of Altar Societies*, first published with the authority of Herbert Vaughan, when Bishop of Salford, in 1881, the use of a *conopaeum* is described as absolutely obligatory, with no exception allowed even for tabernacles of superior workmanship.

But though the exception is not permitted by any responsible authority, there is little doubt that the custom has lingered on in some places. It is an abuse to be removed, not a custom to be tolerated, and reverence for the Blessed Sacrament is to be shown by observing the law.

BROADCASTING BY SECULAR CLERGY

Does the rule of canon 1386 apply equally to other kinds of publicity such as broadcasting? (C.)

REPLY

Canon 1386, §1. Vetantur clerici saeculares sine consensu suorum Ordinariorum, religiosi vero sine licentia sui Superioris maioris et Ordinarii loci, libros quoque, qui de rebus profanis tractent, edere, et in diariis, foliis vel libellis periodicis scribere vel eadem moderari.

Canon 19. Leges quae poenam statuunt, aut liberum iurium exercitium coarctant, aut exceptionem a lege continent, strictae subsunt interpretationi.

1. An activity of this kind may be forbidden indirectly

¹ *Notes on the Rubrics of the Roman Ritual* (1867), n. 610.

owing to its conflict with some law other than canon 1386. It may, for example, be incompatible with the office which a cleric is required to perform, as provided for in canon 128; or it may be preaching which from canon 1328 requires a commission from ecclesiastical authority; or it may be of a political character coming within the directions of *S.C. Conc.*, 15 March, 1927, which replied affirmatively to the question: "*Utrum Ordinario ius sit et officium interdicendi per praeceptum actionem politicam viris ecclesiasticis, qui in ea explicanda non se conformant instructionibus S. Sedis?*"¹; or, finally, it may be related to the forbidden occupations enumerated in canon 139.

2. If broadcasting is held to be included in canon 1386, an opinion which we shall have to reject in (3), it will at least be subject to the same interpretation as "*edere*", "*scribere*" and "*moderari*" in that canon. In many respects the law here codified is much stricter than it was before the Code,² the point about it being that the Ordinary's permission is something quite distinct from censorship. The matter has been dealt with on two previous occasions in this REVIEW,³ and the opinions of commentators recorded, which limit the law to matters of some moment or to an activity which is frequent if not habitual. Failing any local law to the contrary, this liberal interpretation of the words "*edere*", etc., may be followed.

3. We think, however, relying on canon 19, that broadcasting is not included in this law, even though it may be thought that the same reasons which apply to the activities expressly mentioned in canon 1386 apply also to broadcasting. Certainly it must be held that, if a local censure *l.s.* were attached to a violation of this canon, it would not be incurred by broadcasting, for canon 2219, §3, expressly rejects this method of extending one case to another "*quamvis par adsit ratio, imo gravior*". The broadcast, it is true, will reach a far greater number of persons than a book or article, but there is, on the other hand, a permanence about the written word which is lacking in a speech.

¹ *A.A.S.*, 1927, XIX, p. 138.

² Cf. *Collationes Brugenses*, 1928, pp. 37, 38.

³ 1934, VII, p. 251; 1940, XIX, p. 352.

EUCCHARISTIC FAST—NIGHT NURSES

Has a general indult been granted by the Holy See to night nurses permitting them to receive Holy Communion though not fasting from midnight? (R.)

REPLY

During the war very wide indults or dispensations were granted to various classes, but we are not aware of any general indult of the character described in the above question issued for reasons other than the emergencies of the war period.

Yet there are any number of indults granted at the present time by the Holy See to Ordinaries empowering them to dispense their subjects from the full rigour of the Eucharistic Fast, and it is quite clear that the principle underlying this law is slowly undergoing a vital change of emphasis: instead of fasting from midnight the indults require fasting for a certain period before receiving Holy Communion, the period being shorter in the case of liquid refreshment.

Amongst these indults is one published by *The Jurist* for American dioceses on the authority of the Apostolic Delegate.¹ The indult is for three years and is applicable to all night workers on Sundays, Holy Days and one other day of the week; to nursing Sisters it is applicable daily whenever the previous night has been spent in the service of the sick. These persons may communicate four hours after taking solid food, and one hour after liquid non-alcoholic refreshment. An important provision is that the Ordinary may not leave the use of the indult to the decision of the individual concerned, that is to say in each case either a confessor's judgement or a reference to the episcopal curia is necessary.

Similar indults have no doubt been obtained by bishops in other countries, to be used according to their discretion. It is for the clergy to find out from their own Ordinaries what exactly is permitted in this respect, and they may not conclude that indults granted for certain countries are necessarily in force everywhere.

E. J. M.

¹ 1946, VI, p. 539.

ROMAN DOCUMENT

VERNACULAR IN THE LITURGY

SACRA CONGREGATIO RITUUM¹

P. 16/946.

S. Em. le cardinal Emmanuel-Célestin Suhard, archevêque de Paris, a respectueusement prié, au nom de tout l'épiscopat de France, S. S. le Pape Pie XII de daigner accorder, dans sa suprême autorité apostolique, eu égard aux actuelles circonstances particulières, l'usage de la langue vulgaire, dans l'administration de plusieurs sacrements: le Baptême, l'Extrême-Onction, le Mariage, et pour les funérailles, comme il a été accordé, en semblable matière, dans quelques autres régions d'Europe.

La Sainteté ayant répondu favorablement à cette prière, le même Eminentissime archevêque a fait préparer avec soin, par des prêtres compétents en liturgie, l'édition d'un nouveau Rituel, conforme au Code de droit canonique et à la dernière édition typique du Rituel romain, dans lequel ont été donnés en langue vulgaire, pour la compréhension et la piété du peuple fidèle, les rites et les oraisons qu'il a paru le plus opportun de traduire.

Il a respectueusement soumis à la revision et à l'approbation de la Sacrée Congrégation des Rites le Rituel ainsi préparé.

La Sacrée Congrégation des Rites, après un examen attentif du Rituel qui lui était présenté, tenant compte des actuelles circonstances particulières, a daigné accorder ce qui suit:

(a) Un nouveau Rituel peut être établi pour toute la France, le texte latin y étant intégralement reproduit, et pour les parties autorisées, la traduction française placée à côté du texte latin.

(b) Dans l'administration des sacrements, dans la mesure nécessaire à la compréhension et à la piété des fidèles, le prêtre peut prononcer en langue vulgaire uniquement ce qui suit:

1° Baptême des enfants: seront édités seulement dans le texte latin et toujours prononcés dans cette seule langue, les exorcismes, toutes les formules d'onction et de bénédiction et la forme elle-même du Baptême.

2° Baptême des adultes: outre ce qui a été énuméré plus haut, les psaumes et les autres prières initiales seront imprimés et récités en latin seulement.

¹ *Semaine religieuse du diocèse de Paris*, 19 janv. 1948; *La Documentation Catholique*, February, 1948.

3° Extrême-Onction : la langue latine seule sera employée pour l'oraison de l'imposition des mains sur le malade, les paroles des onctions et les oraisons qui les suivent.

4° Dans la célébration du Mariage, le prêtre pourra ne faire usage que de la langue française, à l'exception de la bénédiction de l'anneau et de la formule : *Ego coniungo vos* . . .

Pour la bénédiction nuptiale en dehors de la Messe, à donner par indult apostolique lorsque la Messe n'est pas dite, les prières qui se trouvent dans le Rituel romain peuvent être récitées en français.

5° Aux obsèques des fidèles défunts, seul est permis l'emploi du latin pour les prières et les absolutions. Mais rien n'empêche qu'ensuite on ajoute en langue vulgaire, selon les circonstances de temps et de lieu, des prières que l'Ordinaire devra déterminer et le prêtre réciter lui-même.

S. Em. le cardinal Clément Micara, évêque de Velletri et préfet de la Sacrée Congrégation des Rites, soumit tout l'ensemble à la bienveillante approbation et concession de S. S. le Pape Pie XII, à l'audience du 28 novembre 1947. Sa Sainteté a daigné approuver et concéder, nonobstant toutes choses contraires, même dignes d'une mention spéciale.

Donné à Rome, le 28 novembre 1947.

†C. card. MICARA,
préfet.

BOOK REVIEWS

The Kingdom of Promise. By R. Dyson, S.J., and A. Jones. Pp. 213.
(Scripture Text-books for Catholic Schools. B.O.W. 6s. 6d.)

THIS is a much-belated review; may it have the advantage which such reviews sometimes have of calling renewed attention to books after the first series of reviews is over. It is a book which merits exceptional praise. The authors set themselves an exceptional task, which could be described as a summary of the whole Bible, a summary which would aid the schoolteacher in giving his more advanced pupils a coherent, precise and clear idea of the contents and the purpose of the Sacred Books as a whole. The Bible, though written by scores of authors living at various times between 1400 B.C. and A.D. 100, is yet a book of absolute unity of aim and spirit. It

portrays the development of the kingdom of God on earth. It contains the true philosophy of history as set forth by its divine Author, the Holy Ghost. The growth and slow fulfilment of the kingdom, from its first promise after the Fall to its completion in the Church founded by Christ, is described with admirable brevity and at the same time with such richness of detail and careful precision that both student and teacher can use it with great profit. The authors have the happy gift of noting the outstanding features and vital periods in the age-long growth of God's plan for manhood. The book is not meant directly as a book of piety, and yet it leaves the reader under the deep impression of the grandeur of God's ways in carrying through His scheme for the salvation of mankind—and the building of His kingdom. It is written throughout in short and lucid sentences, which, however, clearly are chosen with care, to convey the maximum of meaning. There is no padding and scarcely a useless word. For all that it is eminently readable; not overcharged with dates, names or technical terms, but presupposing some advance in studies, close mental application and access to the text of the Bible itself. A very full and careful index is provided. Easy paragraphing, brief and valuable notes at the foot of the page contribute much to its utility. The section on prophecy, pp. 34-49, is a remarkable instance of *multum in parvo*. It is to be hoped that the circle of readers will not be limited to that of schoolteachers; parochial clergy could find here many a subject for useful and attractive instructions of the faithful and apt matter for the confraternity of Christian doctrine.

Old Testament for Schools. Grade Two. Ages 11-13. Sisters of S Joseph. Directed by Canon Coppens of Louvain. Translated by Rev. A. Jones. Pp. 100. (Published by the Catholic Biblical Association. 28 coloured sketches; 3 maps. 3s.)

It is not easy to convey the facts and truths embodied in the Old Testament to children in their early teens. This book is a very laudable and on the whole a very successful attempt to do so. The text, though in somewhat small print, is well set out and paragraphed. The main facts of history are well expressed in plain words intelligible to children of that age. The historical items chosen from Genesis to Maccabees, though necessarily few, indicate the main outline of the course of God's dealings with His people. The outstanding feature in this book are the short religious summaries at the end of each chapter, containing the three points: "Remember this", "Think over this", "Say this Prayer". These

summaries make the child reader realize that reading the Old Testament is not merely part of a history lesson, but an act of piety and religion, a sacred exercise. This is really well done.

J. P. A.

The Story of a Family. By Fr Stephane-Joseph Piat, O.F.M. Pp. xv + 421. (Gill & Son. 17s. 6d.)

No saint of modern times has aroused more interest among Catholics or more curiosity among non-Catholics than the Little Flower; yet it is safe to say that no saint ever led a more ordinary life than she. When the story of her life has been read, and surprise expressed at the lack of incident and miracle, the truly discerning reader studies the history anew and is rewarded by the vision of something quite perfect in its unspoiled beauty. There then follows interest in the Saint's origins; and it is to satisfy genuinely interested readers that this fascinating record of the Martin household has been produced. The English translation is by a nun of Stanbrook Abbey.

The parents were deeply spiritual and their children grew up in an atmosphere of joyous Catholicity such as one finds but rarely in these days when homes are frequently places merely to sleep in. The true family life has almost disappeared, and its revival—as the Holy Father is tireless in telling the world—is the only hope for the future. To read this story of a particular family, with its happiness and its sense of security, is to grasp the truth that the family is the real unit of society. Louis Martin and his wife did not themselves understand this truth at first, but when it did become clear to them they took it as a revelation from on high, and henceforth their lives were lived in its light.

The natural nursery of priestly and religious vocations is the thoroughly Catholic household. There are exceptions, brilliant exceptions sometimes, but under normal conditions the first essential to be sought in the matter of vocations is a good Catholic family background. Indirectly the present volume preaches this on every page. The Martin family had its ups and downs, its sorrows, its disappointments and failures, but it had its wonderful successes also, chiefly in the vocations it produced. People who are puzzled as to the rise and growth of vocations to the priesthood and the religious life may see in this family history whence such callings derive.

This book is of the universal type, ripe for reading by all sections of the community. When it is read in refectories—as it surely will be—monks and nuns will humbly thank God that their parents resembled so closely those of the Little Flower: and when the book

comes into the hands of ordinary readers they will say: "Our homes must be more like that of the Martins." The volume is well illustrated and is deserving of wide distribution on account of its general excellence and particularly because of its historical value.

Our Lady of Light. By C. C. Barthas and Père G. da Fonesca, S.J. Pp. viii + 215. (Clonmore & Reynolds, Dublin. 10s. 6d.)

Light Over Fatima. By Charles C. O'Connell. Pp. 163. (Mercier Press, Cork. 8s. 6d.)

FATIMA has taken its permanent place in the Church; it has become the Lourdes of Portugal. Rome is never precipitate in pronouncements regarding the miraculous, and a more prudent pontiff in such matters than the present Holy Father has never governed the Church; and it is he who has spoken in full approval of Fatima. The action of His Holiness in consecrating the world to the Immaculate Heart of Mary, his recognition of the shrine of Fatima, the approbation he has given to the Portuguese Bishops in their management of the matter from its inception; all this, following upon amazing demonstrations of faith on the part of the people of Portugal, means that proof is established of the will of God through the prayers of Our Lady marking out Fatima as a Holy Place in the modern world. The history of the matter from its beginning in 1916 is now fully given in this English version of the original French. The book is edited by Fr J. Husslein, S.J., and comes from the American University of St Louis. A modest price places the work within the reach of almost anyone who buys books.

The story of the Fatima apparitions is now well known, as are the personal records of the three privileged children who play the leading parts in this moving spiritual drama. The facts, however, have never appeared in such complete form as in *Our Lady of Light*. The illustrations are interesting chiefly because they are untouched photographs depicting the people and places of the story in all their simplicity. Fatima provides ample proof of God's revealing Himself to little ones, in our day as in the past, and to little ones whose insignificance, measured by worldly standards, is positively startling.

Light Over Fatima is in the form of a novel. Perhaps it will please some readers, but most will think that at this stage well documented history is preferable to fact mixed with fiction, particularly if the fiction be frequently of the super-sentimental sort. Fatima is too recent in its events and importance to make desirable any kind of imaginative descriptions. *The Song of Bernadette* was a huge success in that it brought the knowledge of Lourdes to millions

of non-Catholics; but its thrill for Catholics was definitely limited, and to many it made only a shadowy appeal. If such novels have true value, it is in their turning the attention of their readers to solid history; and if Mr O'Connell's book does this it will achieve something worth while.

L. T. H.

Ordo Divini Officii et Missae, 1948. Pp. 208. (Berutti, Turin. Lire 250.)

THIS edition, which is apparently the calendar for Turin, is in a small format, neatly bound, and giving a space after the liturgical directions for each day, which can be used for indicating Mass intentions, or for the general purposes of a pocket diary.

Proceedings of the National Congress of the Confraternity of Christian Doctrine. Pp. 756. (National Catholic Welfare Conference. \$3.)

NATIONAL Catholic Congresses are a notable feature of Catholic life in the United States, and the proceedings of this one, which was held at Boston during October 1946, have an interest for other countries as well. The Confraternity of Christian Doctrine, which the common law requires to exist in every parish, is understood in the widest possible sense, so as to include the instruction of children attending non-Catholic schools, study clubs for adults, and many other schemes for bringing the teaching of the Church before the people. Of particular value is the section on the use of the Liturgy in religious instruction, and the prominence given to the necessity of religion being taught and practised in the home.

CORRESPONDENCE

CONTRACEPTION AND NON-CONSUMMATION

(THE CLERGY REVIEW, 1948, XXIX, p. 51)

E. C. M. writes:

What is the position if and when, as often happens, a contraceptive is faulty, and conception and childbirth results? We then have the curious position of a non-consummated marriage accompanied by conception through intercourse, and a child born to a non-consummated marriage.

Canon Mahoney replies:

The case, as directed by *S.C. Sacram.*, 7 May, 1923, may be sent to the Sacred Congregation, but it seems to us that its rejection will be a foregone conclusion either owing to non-consummation being unproved in these circumstances, or to the Holy See declining to dissolve a marriage which has issued in offspring.

DISPENSATION FROM ECCLESIASTICAL FAST

(THE CLERGY REVIEW, 1948, XXIX, p. 126)

"J. J." writes:

In the February number of THE CLERGY REVIEW, p. 126, E. J. M. answers a question about a dispensation from the law of fasting. In speaking of the indult granted in 1941 he says: "... some think that the indult is still available, and on the usual friendly principles for solving doubts we agree with this view." Was not the indult renewed in 1946 by the Holy See, *A.A.S.*, 1946, p. 27?

Canon Mahoney replies:

"J. J." is quite right. The renewal of the faculty was publicly promulgated "*donec aliter provideatur*". I regret that, through an oversight, this document was not cited in my reply instead of arguments and documents not universally promulgated.

PARISHIONERS' CHANGE OF ADDRESS

(THE CLERGY REVIEW, 1948, XXIX, p. 216)

"Senex" writes:

Whilst agreeing with "Juvenis" on the advisability, in principle, of passing on addresses, it must be remembered that "slack families" are just the ones to "fade away" without leaving an address with their priest. To pass on an address in the case of the fervent seems rather an act of supererogation.

"Enda" writes:

If I know it, I always inform the appropriate parish priest of the new address, but the difficulty is that "slack" families rarely leave an address with their former parish priest.

CONDITIONAL BAPTISM OF CONVERTS

(THE CLERGY REVIEW, 1948, XXIX, pp. 52 and 213.)

Canon Mahoney writes:

There is a reference to the subject by Dr E. L. Taunton in *Pastoralia*, 1903, p. 16: "I have some idea that about 1790 there came out an instruction about conditional baptism. It would be curious to find out what the early practice was on this subject. I think it may be found that converts at the time say of Queen Anne were not conditionally baptized; and that the custom (which seems almost to have become a rule) did not obtain until the so-called wave of Socinianism came over the Established Church. I cannot at the present recall any instance of a conditional baptism."

I am sorry Dr Messenger is perplexed. If he will be so kind as to read the question set by "H", he will see that the omission he laments is there summarised ("unless the validity of their heretical baptism is certain"), and that the words were omitted from my quotation because they are irrelevant to the point raised.

P. P. writes:

As it seems to have some bearing on the subject of this correspondence may I say that I was told (by a Bishop) of a priest who, in reply to an inquiry on this matter, begged that all converts who had been baptized by him when he was an "Anglo-Catholic" clergyman, should be baptized absolutely on account of his defective intention.

Regarding Baptists—is it not a fact that in some cases of immersion the minister merely uses the form but does not himself apply the matter, in which case I take it there is no baptism?

At this moment I have under instruction a young man who remembers that in his case the clergyman made the sign of the Cross on his forehead with a wet thumb. May I baptize him absolutely, even if the correct Form was used?

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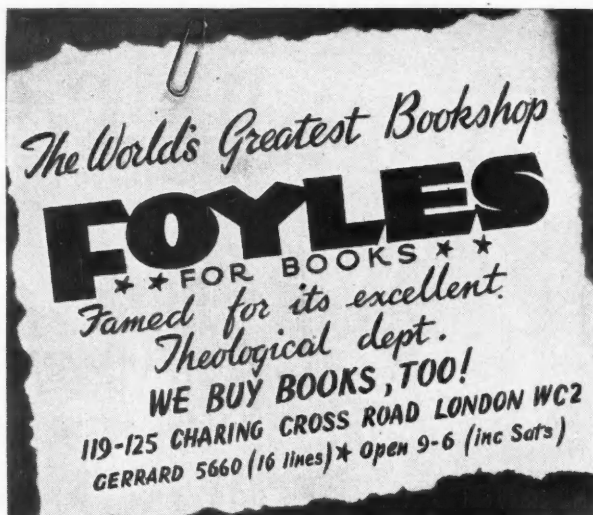
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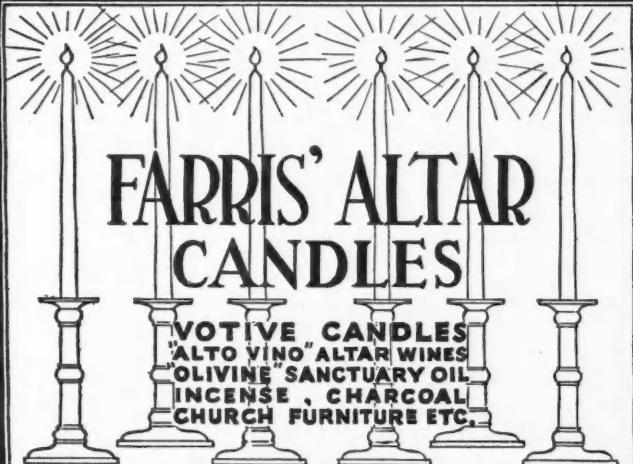
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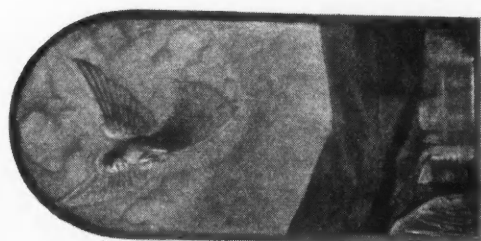
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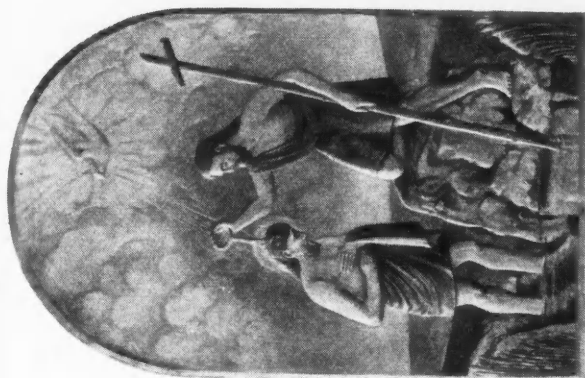
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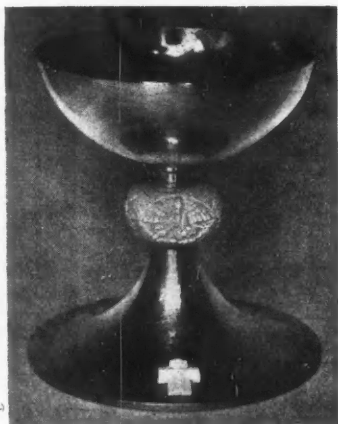


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